

# The State of Agrarian Reform Under President Benigno Aquino III's Government

**Beyond the Numbers:**  
A struggle for social justice  
and inclusive rural development

Focus on the Global South  
with the Save Agrarian Reform Alliance



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## Executive Summary

The Save Agrarian Reform Alliance (SARA), a network of national farmers' organizations, rural women, non-government organizations (NGOs) and agrarian reform beneficiaries pushing for the immediate, effective, substantive and just implementation of agrarian reform in the country, launched a series of ground consultations and survey in 2012 to assess the implementation of CARPER, and agrarian reform in general. This report contains data and information directly culled from the experiences of agrarian reform beneficiaries and advocacy organizations in various provinces of Luzon, Visayas and Mindanao. Official government data were also used.

Based on these field accounts, what has emerged is a picture of implementation characterized by paralysis and the retreat of agrarian reform resulting from the following: Department of Agrarian Reform's (DAR) lackluster performance; a 'legally conservative' secretary; budget cuts; efforts by landowners and anti-agrarian reform forces to subvert and block land redistribution; and an ineffective bureaucracy that has not functioned with the sense of urgency needed to complete land distribution by June 2014. The non-completion of the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER) law or RA 9700 will affect more than a million Filipino farmers.

This report is divided into three parts. The first provides an overview of the challenges, tasks and problems that government needs to address to complete the land acquisition and distribution component come 2014 and to fully implement CARPER. The second highlights CARPER implementation under President Benigno Simeon Aquino III's administration. The last summarizes the results of the consultations and survey of SARA to give space to the voices of the rural poor, landless and even agrarian reform beneficiaries who continue to be marginalized because of government's inability to provide initial support, an obligation also spelled out in the agrarian reform (AR) law.

This report underscores/discusses the following developments as the main indicators of why CARP and CARPER implementation has now arrived at a critical juncture under President Aquino's government:

- The remaining lands to be distributed are the most contentious landholdings, the most tedious and difficult to acquire and distribute—961,974 hectares from 107,639 landholdings targeted for distribution (using DAR's end-2011 data). The Department needs to distribute a little over 300 hectares per year starting 2012 to finish LAD by December 31, 2014. The figure is even higher if pegged against the June 30, 2014 deadline.

If DAR claims that land distribution is most difficult in private agricultural lands and is therefore causing the delay or low turnout, LAD in public (and forest) lands are also challenging, and equally difficult. Distribution of public forest lands through the DENR embodies complex issues in public land reform. The environment department has to redistribute two types of public forest lands, alienable and disposable (A&D) lands and community-based and managed forest lands, which are actually cultivated farmlands.

Based on the DENR's official figures, about 3.4 million hectares have been redistributed, or 90 percent of the total target, to over two million agrarian reform beneficiaries. While the balance is only close to 400,000 hectares, these landholdings are nonetheless problematic. For example, influential families such as the Reyeses, Matiases and Uys of Bondoc Peninsula in Quezon still have effective control even if the lands in question are classified as public forest lands. Actual land use and tenure often contradicts what is reported in official census and land use categories.



- Under the government of President Aquino and DAR led by Secretary Gil delos Reyes, CARP performance is the “worst since 1988,” the year CARP took effect, because of an achievement rate of only five percent vis-à-vis target.
- CARP still fails to fulfill its constitutional obligation to promote social justice and development due to contradictory economic policies. Economically vulnerable and lacking in support services, Agrarian Reform Beneficiaries (ARBs) are unable to compete in an environment allowing liberalized entry of foreign agricultural products. The Department of Agriculture (DA) has prioritized the agribusiness sector leaving DAR to provide service to farmers who need support for agricultural production, while government pursues an aggressive investment policy, especially on food and biofuel production, which is not in harmony with the goals of CARPER.

Just the numbers speak of the daunting challenges that CARP/CARPER implementation confront:

- about 93.5 percent of 961,974 hectares, or 900,188, are private agricultural lands (PAL), where landowner resistance is very strong;
- almost 85 percent of 961,974, or 816,491 hectares, are Land Bank of the Philippines compensable, meaning government will need to pay landowners ‘just compensation’;
- about 62 percent or 596,036 hectares will be covered through compulsory acquisition or land distribution by expropriation;
- about 39.3 percent are large PAL, mostly in the range of more than 24 hectares;
- 30 provinces account for 71 percent of the total area of the LAD balance.<sup>1</sup>

Beyond these numbers, DAR and DENR have to deal with the complex problems of public land distribution: (1) private and public land overlaps and issues of delineation of landholdings; (2) reform reversals in public lands because of land reclassifications; (3) de-prioritization of community-based forest management lands; (4) competing claims over the contested public forest land due to different policies and laws governing public land reform; and (4) untitled properties. The point here is that contrary to official government argument, agrarian reform in public lands requires similar attention as private agricultural lands. This means that agrarian reform cannot be reduced to just PAL. Actual land use often contradicts what is reported in official land use categories. Public and forest lands are, in fact, under different forms of cultivation, characterized by production and

distribution relationships between the landed and landless and land-poor, and are the site of contending private interests.

The core issues—what are at stake—are poverty alleviation and social justice for the rural populace. Government data show that the top 15 provinces with the highest land redistribution backlog have also had high poverty incidences. Thirteen (13) of these 15 provinces have had poverty incidences above the national average of 26.5 percent while two provinces, Masbate and Maguindanao, have had averages more than twice the national. What these government figures reveal is that poverty in these areas can be linked to the slow implementation of agrarian reform. (See Table 1)

## Introduction

Twenty-four years of implementation, still counting and with completion nowhere near in sight. This amount of time that the Philippine government has taken to implement and complete the key provisions of the Comprehensive Agrarian Reform Program (CARP) law translates to a whole generation of Filipinos, including children of farmers, who have been born at the time of the law's passage, have grown up through the years of tentative and unfinished implementation, and reaching adulthood amid current intensified clamor for government to complete its task.

CARP is now the longest running program being implemented under a democratic political system, post-EDSA 1986. It has been widely seen as the litmus test of past and present administrations' commitment to social justice, as mandated by the 1987 Philippine Constitution. CARPER or Republic Act 9700, signed 7 August 2009, gave the original Republic Act 6657 or CARP five more years to be completed. In 1998, CARP's land acquisition and distribution component had been given its first 10-year extension and an additional funding of PhP 50 billion through Republic Act 8532.

One of the main goals during the extension period should be the completion of land distribution by June 30, 2014. The program should get PhP 150 billion for five years or PhP 30 billion per year for land acquisition and distribution (LAD) and agrarian justice delivery (a total of 60 percent share for the two components), and for support services (40 percent). CARPER introduced other meaningful reforms articulated by farmers and rural women's organizations, agrarian reform advocates

and the Catholic church. These measures aim to address the loopholes in CARP and problems that have arisen from its implementation, and which have beset the program since its inception more than two decades ago.

### *Why Agrarian Reform?*

Agrarian reform remains an unfinished business under the 1987 Philippine Constitution. As a key social justice mechanism, CARP and CARPER have yet to fulfill their promise. Article XII, Section 4 of the Constitution provides that “the State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farm workers, who are landless, to own directly or collectively the lands they till or, in the case of other farm workers, to receive a just share of the fruits thereof.”

More than a decade in 2002, the National Statistics Office surveys showed household members engaged in agricultural activity still worked in landholdings not their own. This indicated that a considerable number of landless farmers have yet to own directly or collectively the lands they tilled. Part of the reason for this had been the inability of the DAR to distribute land already identified for CARP, as well as the failure to have a database that could aid in accurately identifying the landless farmers for land distribution targeting.

Agrarian reform is a major reform measure meant to address rural poverty, as rural poverty has always been highly linked to access to land. Based on government data (Table 1), poverty is highest in the top 15 provinces where there have been large backlogs in land distribution. Strong political will by DAR is therefore necessary. In 2011, these top 15 provinces accounted for more than one-third the total LAD balance. This information is significant because these provinces also figured prominently in the list of provinces where the poorest families have been found. Negros Occidental, Camarines Sur, Leyte, Iloilo and Lanao del Sur have been among the top 10 provinces with women in poor households, according to the 2009 National Household Targeting Survey for Poverty Reduction of the Department of Social Welfare and Development.

The National Statistics Coordinating Board also reported that the poverty magnitude and share of Negros Occidental, Camarines Sur, Leyte, Iloilo and Masbate in the total number of poor families and population in 2003 were quite high.

What these government figures underscore is that poverty in these areas can be linked to the continuing failure to effect agrarian reform. Assessment studies conducted by Balisacan (2007), Gordoncillo (2008) and Reyes (1998) have stressed this link; the technical working paper of the World Bank (2009) also posited that the modest impact of CARP on poverty alleviation and growth had been mainly due to DAR's inability to prioritize the acquisition of private agricultural lands through compulsory acquisition.

**Table 1. Top Provinces with Highest Land Redistribution Backlog, 1997, 2008, 2011; Poverty Magnitude and Incidence, 2009**

Provinces	Remaining Lands for Distribution in Hectares under CARP			Poverty (2009) <sup>†</sup>	
	1997 (a)	2008 (b)	2011 (c)	Magnitude (poor population)	Incidence (in percent)
Negros Occidental	154,246	147,888	144,861	915,157	32.2
Camarines Sur	86,365	54,433**	63,042	794,832	47.0
Masbate	78,229	57,007	33,156	441,688	54.2
Cotabato	74,863	60,186	40,703	344,421	33.3
Negros Oriental	69,391	34,892	24,027	485,080	41.9
Leyte	66,067	60,260	36,007	628,472	34.3
Albay	42,418	Not in the top 10	Not in the top 10	512,079	43.6
Northern Samar	40,833	Not in the top 10	Not in the top 10	292,874	51.2
Iloilo	32,991	Not in the top 10	25,019	569,097	21.8
Camarines Norte	32,503	Not in the top 10	Not in the top 10	232,685	42.3
Isabela	Not in the top 10	49,708**	57,730	283,068	21.2
Lanao del Sur	30,311*	43,988**	39,567	363,340	44.8

Maguindanao	Not in the top 10	Not in the top 10	29,034	437,790	53.7
Sorsogon	Not in the top 10	32,796	Not in the top 10	374,183	41.3
Saranggani	Not in the top 10	30,161	18,450	249,410	51.8

(a) Workable balance based on the Ramos Legacy in Agrarian Reform: A Transition Report. In 1997, Congress debated first extension period of CARP and enacted RA 8532, which mandated an additional PhP 50 billion funding for the program's land redistribution component.

(b) Based on DAR's Data as of March 2008, which was computed and used by Focus on the Global South staff during the Reform CARP Movement campaign.

(c) Based on the PARC-DAR Data, March 2011.

\* ranked 12th in 1997.

\*\* no explanations on why there was an increase in the 2011 figures.

† National poverty incidence in year 2009 is 26.5% and magnitude of poor population is 23.14 million.

What these government figures underscore is that beyond these statistics, to many farmers who have been struggling for the realization of agrarian reform, land is freedom from poverty: owning a piece of land, earning from it, sending their children to school and putting a roof over their heads through the fruits of the land will finally allow them to live a life of dignity and pride.

## In Critical Condition: Agrarian Reform under P-Noy

"Tatapusin ang pamamahagi ng lupa sa ilalim ng CARPER sa aking panunungkulan." (*Land distribution under CARPER shall be completed under my term*) That was the promise of President Aquino during his third state of the nation address in July 2012: *farmers shall own the lands they till*.

With less than two years before the mandated end of the LAD component on 30 June 2014, the Aquino administration is still up against some huge tasks and challenges. Under President Aquino, government must effectively complete land distribution, implement the reforms under CARPER, such as rural women-friendly provisions in terms of giving access to land and support services, socialized credit and initial capitalization for new and old agrarian reform beneficiaries, expand the support services scope beyond the agrarian reform communities (ARCs), provide agrarian justice delivery, and ensure adequate budget for the implementation of

agrarian reform. The underlying goal is to usher in a lasting era of social justice in the countryside and ensure the economic viability and political empowerment of agrarian reform beneficiaries.

### *What's at stake*

According to DAR, at the end of 2011, the official land acquisition and distribution balance was 961,974 hectares belonging to 107,639 landholdings (Table 2 summarizes the schedule of land distribution by phasing under CARPER). But as of January 1, 2013, according to DAR website, the official land acquisition and distribution balance is now only 879,526 hectares. This means that the Department needs to distribute 439,763 hectares per year starting January 2013 to finish LAD by December 2014. Using these new figures, DAR estimated that the *NET LAD Balance* (or actual distributable lands) now amounts merely to 704,526 hectares. Of the Net LAD balance, 182,121 hectares are tagged as problematic (with pending cases, technical problems, etc.). This leaves us only 522,405 hectares (from previous figure of close to one million) that DAR will work on for redistribution. The government is now looking at a June 2016 deadline (end of Aquino's term) instead of June 2014 even with this further reduced target.

It is important to point out that DAR changes (decreases) targets without accounting for the rationale for such changes. If one looks at what have been distributed in terms of hectareage since 2011, the figures will not tally with the new target.

The nature/composition of landholdings combined with the effect of the LAD phasing are the main challenges that the current DAR management is trying to address at this critical juncture. According to DAR, they have instituted policy and operation reforms such as streamlining of the LAD process and inventory and review of all claim folders, which contain the details of the land cases. They have also claimed that they have intensified the monitoring of the performance of provincial and municipal agrarian reform officers and of technical and administrative solutions to land distribution problems.

**Table 2: LAD Balance by Phase<sup>2</sup> in Hectares, as of January 2012**

Phases	Number of Landholdings	Percent of Total Landholdings	Area	Share from Total Area (%)
Phase 1	39,832	37	433,551	45.1
Phase 2A	2,854	2.7	32,295	3.4
Phase 2B	6,338	5.9	90,529	9.4
Phase 3A	22,613	21.0	217,639	22.6
Phase 3B	36,002	33.4	187,959	19.5
<b>Total</b>	<b>107,639</b>	<b>100</b>	<b>961,974</b>	<b>100</b>

Source: Republic of the Philippines, Presidential Agrarian Reform Council, Report on the State of Agrarian Reform, July 2012

In its own assessment of CARPER implementation, peasant and agrarian reform advocacy group Task Force Mapalad also cited figures from a DAR report stating that “For 2012, the Department completed processing for acquisition and distribution of 113,866 hectares for which EPs/CLOAs were distributed for 101,858 hectares. A further 21,491 hectares at the LRA for EP/CLOA registration. This totals 136,357 hectares, which is the true measure of the accomplishment of DAR’s field personnel. The actual accomplishment of DAR for 2012 is 113,000 hectares.” TFM was only quoting DAR Secretary Delos Reyes who had said that the measure of successful implementation was the CLOAs finally getting registered at the Land Registration Authority. TFM further claims that these figures on titled/registered distributed lands have not been supported by LRA official documents

Even then, at 113,000 hectares distributed and titled lands, DAR hasn't even accomplished half of its target for 2012.

It's not a wonder then that farmers' organizations, agrarian reform advocates and the Catholic church remain unsatisfied with the performance of DAR. The statistics are already cause for worry, pointing towards CARPER's impending death under the P-Noy government; the stories of peasant struggles on the ground are even more alarming.

### *CARPER's land distribution is off-track*

The Aquino administration's land distribution performance remains dismal despite the political, moral and legal bases for implementing CARPER. DAR Secretary Virgilio delos Reyes promised to distribute more than 900,000 hectares of lands, targeting 180,000 hectares for 2012; 260,000 hectares for 2013; and 200,000 hectares for 2014. This leaves around as much as 321,974 hectares of undistributed land by June 2014, which shall constitute more than 25 percent of DAR's target. The balance of 321,974 hectares constitutes more than 25 percent of DAR's target. The figure is likely to increase as Sec. Delos Reyes continues to be off-track even in his own targets for land distribution. As early as 2011, based on DAR's Roadmap 2014 and 2010 Accomplishment Report, Sec. Delos Reyes admitted that LAD could not be completed by June 2014. However, with the pronouncement of Pres. Aquino III, pushing the LAD completion from June 2014 to June 2016, the DAR secretary has now proclaimed that LAD completion by June 2016 is "eminently doable."

Previous figures would attest to this trend under Sec. delos Reyes. In 2011 DAR was able to distribute 18,414 landholdings, or 111,889 hectares of lands, to 63,755 ARBs. This was only 60 percent of the target for that year, and 56 percent of which, or 69,903 hectares, were non-private agricultural lands, or settlements, landed estates and government-owned lands. Also, based on experience and past performance of farmers with DAR, the agency had never gone beyond the distribution of more than 150,000 hectares of private agricultural lands in a year. The 2012 to June 2014 targets are not only ambitious by DAR's standards, they are not realistic. As in the past, DAR will most likely re-adjust its annual targets to make its performance look good on paper; unless, DAR becomes more effective in its land distribution.

In its own "Report on the State of Agrarian Reform (2012)," DAR admits that "the first one and half years of the Aquino government were less than outstanding and that DAR failed to meet its target for the year."<sup>73</sup> While DAR remains optimistic that the reforms they instituted are now gaining ground, it still remains to be seen whether the agency will be able to distribute 180,000 hectares for 2012. As of June 2012, DAR completed the acquisition of 32,301 hectares, of which 30,300 hectares were distributed to ARBs. This is a measly 17 percent of the target for the year.



Table 3 shows the projected post-2014 scenario or land distribution task of the Aquino administration. This includes the subdivision of collective titles or mother CLOAs which cover land sizes in the range of between 100,000 and 400,000 hectares. This only means that the government has to double task in 2014: to finish the distribution of lands committed under CARPER and award titles to ARBs previously identified and distributed lands.

**Table 3. Projected Land Distribution Balance by June 30, 2014  
(in hectares)**

Task	Balance, December 2011	Projected Balance Ending June 2014
Distribution of remaining LAD balance	961,974	321,974*
Subdivision of collective titles or Certificate of Land Ownership and Acquisition (CLOA)	710,467	172,550- 414,332
Redocumentation and payment of DYND/ DYNP** lands	160,311	62,699- 74,725

Source: Republic of the Philippines, Presidential Agrarian Reform Council, Report on the State of Agrarian Reform, July 2012

\*problematic landholdings, 10 hectares and below

\*\*Distributed but Not Yet Paid/Distributed but Not Yet Documented

### *Distribution of public lands remains a challenge*

Land distribution of private agricultural lands, which now comprise the bulk of lands that need to be apportioned, poses a bigger challenge but so is the distribution of public (and forest) lands. Redistribution of public forest lands under the DENR embodies complex issues in public land reform. The department has to redistribute two types of public forest lands—alienable and disposable (A&D) lands and community-based and— managed forest lands, which are actually cultivated farmlands. Based on the DENR's official figures, about 3.4 million hectares have been redistributed or 90 percent of the total target, to over two million agrarian reform beneficiaries. While the balance is only close to 400,000 hectares, these landholdings are nonetheless problematic. Influential families such as the Reyeses, Matiases and Uys of Bondoc Peninsula in Quezon control even public forest lands, and actual land use and tenure often contradict what is reported in official census and land use categories.

In particular, DAR and DENR have to deal with these multifarious problems in implementing agrarian reform in public, forest lands: (1) private and public land overlaps and issues of delineation of landholdings; (2) reform reversals in public lands because of land reclassifications; (3) de-prioritization of community-based forest management lands; (4) competing claims over the contested public forest land due to different policies and laws governing public land reform; and (4) documentation or non-documentation of untitled properties.

Agrarian reform in public lands requires similar attention as private agricultural lands (PAL), which means that government cannot argue its way out by stressing the difficulty in implementing agrarian reform in PAL, because public and forest lands are, in fact, under different forms of cultivation, characterized by production and distribution relationships between the landed and landless and land-poor, and are also the site of contestations of private interests.

### *“Transition plan” to abandon not to complete CARPER*

Contrary to President Aquino’s that he shall complete CARP during his third State of the Nation Address, recent actions of his government indicate that he is reneging on this commitment



*Photo by Daryl Leyesa/protest action on October 30,2012*

The post-2014 land distribution scenario has become clearer with DAR's "transition plan," through which support services shall be transferred to the Department of Agriculture and other CARP implementing agencies. Under this plan, DAR staffing shall also be scaled down and its organizational structure rationalized or streamlined. The transition plan is contained in item number 5 under the special provisions of the 2013 CARPER National Expenditure Plan Budget submitted by Sec. Virgilio "Gil" delos Reyes to the House of Representatives.

This transfer could be seen more of abandonment rather than effective implementation and completion of the program. First, the DA does not have the appropriate structure or organizational set up to cater to the ARBs down to the barangay level. Furthermore, in a closed meeting with advocates, agriculture secretary Proceso Alcala has admitted that his agency is not ready for such transfer. On the other hand, Sec. Delos Reyes has been shifting the blame to the Department of Budget and Management, in particular its head, Sec. Florencio Abad, who allegedly is the "brains" behind this transition plan. This blame game is creating added confusion among agrarian reform advocates and farmers' organizations, especially in terms of assigning accountability.

Such transfer of the support services to the DA is part of the reconfiguration of the land reform, land management and rural development agencies under the National Convergence Initiative, which started during Arroyo's presidency and is being continued by Aquino. The planned inter-agency proposal was implemented through Administrative Order 34, series of 2012 and involves:

- Transforming DAR into the Department of Land Reform and Management (DLRM) as the agency responsible for all land administration and management, the disposition of public lands and the completion of the remaining CARPER LAD balance after June 2014; it shall also be responsible for agrarian justice delivery. The DENR's land management functions shall also be transferred to DLRM;
- Changing the Department of Agriculture into Department of Agriculture and Rural Development, under which its countryside development role shall be expanded. The change shall also include the transfer of the support services function of DAR and agricultural extension shall remain at the local government level through DARD, with DARD having field offices at the provincial level and satellite offices based on crop and fishery activities;

- Keeping the DENR as the agency primarily responsible for the protection and management of the country's environment and natural resources; and
- Transferring authority to approve all surveys to the Land Registration Authority.

It is not clear whether such a plan will be positive for CARPER's implementation or will just be another hindrance. What's clear, however, is that the main constituencies—farmers, farm-workers, and rural women— of these agencies are still kept in the dark about the plan.

From the 2013 CARPER Budget submitted by DAR, it seems that DAR is being prepared for a phase out and shall be “legally” abolished by June 30, 2014. This claim is backed up by the Department of Budget and Management's proposal for a zero-budget for DAR in 2014. Despite the distribution backlog, the transition plan is virtually crippling DAR and the atmosphere being created is one of abandonment of program rather than ensuring its effective completion.

On the upside, recent developments in the 15th Congress bode well for CARPER. The Senate passed the 2013 CARPER budget without the transition plan or item number 5. SARA attended the congressional hearings and lobbied for the removal of item number 5 through the support of House champions, Representatives Walden Bello and Kaka Bagao.

### ***Aquino's CARP Performance 'worst since 1988'***

The official figures from DAR all point to one conclusion: land distribution, which is the heart of CARPER, is languishing under the administration of President Aquino and DAR Secretary Gil delos Reyes. The current administration's CARP performance is the worst since 1988, the year CARP took effect.

Despite recent policy pronouncements, the major hurdle for CARPER's implementation is the non-priority accorded to agrarian reform by the Aquino administration. Its overall CARP performance showed only five percent achievement rate in land distribution output vs. targets as of 2011, compared with the Ramos administration's 46 percent, Arroyo's 23 percent and Cory Aquino's 21 percent for their entire terms. The current administration's performance is even worse than the Estrada administration's 5.4 percent, achieved in a period of two years before

former President Estrada was ousted. If the trend for P-Noy government continues at its slow rate per year, it shall still have the worst record even if achievement for his entire term is taken into account.

**Table 4. CARP's Performance per Administration**

Share of Land Distribution	CARP Accomplishment/ Land distribution (in hectares)	Share of Land Distribution Output (in percent)	Years of Presidency	Annual Land Distribution (in hectares)
Corazon Aquino	848,518	49.97	6	141,419.7
Fidel Ramos	1,900,035	44.72	6	316,672.5
Joseph Estrada	222,907	5.25	2.5	89,162.8
Gloria Macapagal-Arroyo	954,408	22.46	8*	119,301
Benigno Aquino III	322,697	7.60	3	104,415.5
<b>Total</b>	<b>4,248,565</b>	<b>100</b>	<b>25.5</b>	<b>166,610.39</b>

Source: DAR Accomplishment Reports, 1988-2011

\*Gloria Macapagal-Arroyo distributed lands from 2001-2008. During the last two years of her presidency, land distribution was halted due to the uncertainty of the future of CARP and the extension debates in Congress.

In sum, in the 24 years of agrarian reform implementation (starting with CARP), Philippine governments have achieved only less than 50 percent of the target eight million hectares (from the original 10 million).

Sec. Delos Reyes has claimed that the reason why he has less-than-desired accomplishment is because past accomplishments involved mainly public lands, and private landholdings present more difficulties. This reduces the agrarian question to only distribution of private agricultural lands. On the contrary, agrarian reform in public (and forest) lands is an equally important component of a successful reform program. Many lands formally classified as timberlands are actually crop-cultivated lands, where share tenancy arrangements between the landed elites and farmers/peasants exist and proliferate. Furthermore, the quality of implementation (see results of survey and consultation) is also a big question: whether the lands reported as distributed have been actually given to agrarian reform beneficiaries and that these beneficiaries have the land titles in their hands, and that they are being provided

with appropriate support services such as access to socialized credit, irrigation, etc. remain to be validated. Only when these components are effectively implemented can government claim fulfillment of its obligations under the law.

### *Beyond Land Distribution*

CARP is not a perfect law. It is a product of compromise to accommodate competing interests between landlords and pro-agrarian reform forces, resulting in tensions and inconsistencies in the letter of the law as well as in implementation. It is neither self-implementing nor self-interpreting. For the program to finally see completion and for it to fulfill its social justice goal, political will is necessary as well as overhaul of the government's economic policies for its effective implementation.

The provision of support services is an inseparable component in the success of CARP's development objective. Under CARPER, an integrated package of support services must be provided to existing and new agrarian reform beneficiaries. This package includes access to socialized credit and initial capitalization in the form of cash or farm implements which are needed by new ARBs. Women-friendly provisions are also part of the reforms won by the agrarian reform movement under CARPER. Land redistribution will come to naught if the economic viability of redistributed farms is not ensured.

As a result of intensive lobbying and campaign of farmers' organizations, rural women and agrarian reform beneficiaries in 2012, DAR created the CARPER Production Credit Program, a PHP 1 billion credit window or facility for ARB organizations and cooperatives to be managed by the Land Bank of the Philippines (LBP). The proposed interest rate was 8.5 percent per year with rebate of two percent for one-time payment, and the pass-on rate to ARB is a maximum of 15 percent per year. DAR, on the other hand, shall provide capacity building such as setting up of systems and back office support for ARB organizations that shall avail of the credit program. The same amount has been allocated for the credit program in 2013.

A main strategy of DAR under the Delos Reyes administration is to build on the experience of Agrarian Reform Communities (ARCs). Launched in 1993 under former secretary Ernesto Garilao, ARCs became DAR's strategy for concentrating

available funds into support services to an area cluster with threshold number of both farmer and non-farmer beneficiaries. Under Delos Reyes, the Agrarian Reform Community Connectivity and Economic Support Services (ARCESS) was launched to improve the net income of ARBs by providing strategic subsidies in the form of professional services and revenue-generating agricultural machineries. ARCESS further aims to strengthen “fledgling ARB organizations to enable them to consolidate their production, post-harvest, processing, logistics and marketing activities” through the provision of business management training, mentoring and coaching and other services. The hope of DAR is that ARB organizations will be able to achieve economies of scale, improved farm yields and enhanced capacity to access formal credit and markets in an effort to reduce rural poverty, attain food sovereignty and inclusive growth.

According to DAR, the ARCESS has been using 2011 funds to finance 210 sub-projects in 80 provinces. Designed to be implemented over a three-year period the project is in its early stages. Although outreach has been constrained by limited resources, the ARCs have proven that agrarian reform works when adequate, sustained and systematic assistance is delivered to ARBs. The challenge, however, is to go beyond the scope of ARCs, as ARCs cover a very small percentage of agrarian reform areas.

What CARP still fails to fulfill is its constitutional mandate to promote social justice and development, and this has been mainly due to contradictory economic policies. Economically vulnerable and lacking in support services, ARBs are unable to compete in an environment allowing liberalized entry of agricultural products. Also, the Department of Agriculture has prioritized the agribusiness sector leaving DAR, with its limited funds and technically-challenged personnel, with the task of transforming ARBs into a competitive sector.

At the same time, the executive's aggressive investment policy on food and fuel is not in harmony with the goals of CARPER. The Philippine government has initially earmarked 3.1 million hectares of lands for such investments. The rising commercial transactions and deals around large-scale agricultural land acquisitions for the production, sale and export of food and biofuels globally have now given rise to a phenomenon called *global land grabbing*.

However, it is difficult to ascertain the exact size of lands, especially CARP lands, which have been subjected to foreign and domestic land deals due to the lack of a centralized database. But more than the lack of database, what has contributed to the lack of public awareness has been government's lack of transparency in going about these investment deals. Land concessions are being justified on flawed assumptions of lands being 'idle' or 'marginal', while deals have been trumpeted with premature, overly-optimistic estimates of number of lands to be covered by both national and international supporters alike, which further make it difficult to gather conclusive information on the scope, substance and stipulations of most such land agreements, whether potential or actual.

As an effort by the current government to review the past administration's land investment deals, the agriculture department led by its head Secretary Proceso Alcala in September 2011 initiated a critical review of past foreign land deals on the basis of the food security and rice-self sufficiency thrust of the current Aquino administration. Meanwhile, in May 2012, the Department of Energy (DOE) announced publicly that it would be revisiting the national biofuels program mandated by RA 9367 or the Biofuels Act of 2006, after the initial implementation of the program proved to be lackluster. The lands to be developed according to the law are "idle, new, untenured and marginal". The question is whether these investments are in accordance with laws on agrarian reform, forest lands management and indigenous peoples' rights. Recent case studies<sup>4</sup> on land deals and agro-investments have uncovered that lands converted to biofuels have been planted to rice, some of which have irrigation facilities. Some land deals have led to the cancellation of farmers' CLOAs, violated their land rights and may likely lead to the re-concentration of land ownership.

Whether these moves by national government agencies signify a decisive halt to foreign investment in agriculture and natural resources in the Philippines for the remainder of the Aquino administration, however, remains to be watched.

According to the Bureau of Investments data, approved agriculture, forestry and fishing investments by the bureau amounted to PhP 1.9 billion in 2011 and more than Ph 2.5 billion in 2012. What's not clear, though, is how much of these investments can be counted as land deals. Table 5 below (culled from another ongoing Focus related research on rural investments) provides select data on land deals and agricultural investments under the Aquino government which involve



foreign governments, hedge funds and domestic companies. It is very important for government to show that these land deals do not impinge on CARP or CARPable areas or those covered by other tenurial instruments; it has to prove that Aquino is not renegeing on his commitment to truly implement the agrarian reform program.

**Table 5. Selected Foreign and Domestic Land Deals and Agricultural Investments under the Aquino Government (2010-2012)**

Company or State	Proposed Land Coverage (in hectares)	Commodity	Details of the Investment Deals
Nadir and Ibrahim Sons of the Hassan Group (NEH)-Bahrain	10,000	Rice, Bananas, Other Crops	<ul style="list-style-type: none"> <li>Originally under the Arroyo administration but reworked with a \$50-million deal with the Aquino administration in January 2012</li> <li>This \$50-m was only one subset of a larger \$300-m package of deals with NEH, AMA and the Philippine government</li> <li>2500 hectares consolidated as of September 2010</li> <li>There were claims from the AMA group in 2012 that the project failed to push through due to the allocation of 'inappropriate' lands</li> </ul>
Bahrain	1,000	Banana	<ul style="list-style-type: none"> <li>This was the figure of the actually amassed lands for Bahrain land deals as of March 2011</li> </ul>
Saudi Arabia	5,000	Rice, Fruits	<ul style="list-style-type: none"> <li>Deal cemented with Saudi Arabia in 2011 for food exportation to the Middle East</li> <li>This was claimed by Grain, but was not reported in local media in 2011</li> </ul>
Zuellig Group	30,000	Fulfilling Feeding mill requirements	<ul style="list-style-type: none"> <li>Canvassing and testing for lands possible for these began occurring in March 2011</li> </ul>

Anflo Banana Corporation— with unspecified multinational exporter	256	Banana plantation	<ul style="list-style-type: none"> <li>• Confirmed by the BOI in February 2012</li> <li>• P216-million project in the Compostela Valley</li> </ul>
SL Agritech and Metro Pacific Investment Corp.	At least 1,000 hectares, possibly up to 2,000 hectares	Corporate Rice Farming	<ul style="list-style-type: none"> <li>• \$10-million allocated for corporate rice farming investments</li> <li>• Only announced in September 2012</li> <li>• Scouted and potential areas including: Palawan, Occidental Mindoro, Iloilo, Negros Occidental, Zamboanga Sibugay, Davao del Sur, Compostella Valley, North Cotabato, Sultan Kudarat</li> <li>• Of these options, Compostella Valley particularly highlighted</li> </ul>
AgriNurture and Cargill Inc, via Black River Capital Partners Food Fund Holdings Pte. Ltd. (a Singapore-based Hedge Fund)	Up to 1,400	Banana Plantations	<ul style="list-style-type: none"> <li>• As of August 2012, 100 hectares already bought in Davao</li> <li>• To be followed by anticipated 200, 400 and 700 hectare acquisitions around the city and surrounding provinces</li> <li>• Actual handling of land being implemented by Best Choice Harvest, an ANI subsidiary</li> <li>• A perceived P560-980-million in potential investments expected to flow in from the land deal</li> <li>• The total hedge fund value allocated by Black River is worth \$34.5-million in infused capital</li> </ul>

Source: Various News Sources and put together for Focus research on rural investments

### *Weak Implementation by DAR*

As things unfold, agrarian reform's exit and 'death' seem inevitable under the Aquino administration at the expense of farmers, farm workers, rural women and the landless in general. SARA and the other AR advocacy groups, such as Task Force Mapalad, have expressed loss of faith and confidence in the leadership

of the current DAR head, Secretary Delos Reyes. These are the very same farmers who backed his appointment. For several months since 2012 until the time of the writing of this report, various farmers' groups have camped outside the DAR to show their discontent over Delos Reyes' overall performance in implementing agrarian reform and in his failure to resolve land cases in a swift and effective manner. There are about 300 cases pending resolution at the Office of the Secretary, even as the farmers camping out at DAR speak about the department's low regard for farmers' concerns and its overly legalistic approach in implementing the program. Delos Reyes has institutionalized AOs to facilitate the handing down of decisions on many cases but this emphasis on the technical process has further slowed down resolution. SARA is also arguing that the department should be more concerned about mustering political and social will and in ensuring that there are enough economic resources to facilitate the distribution of private and public lands.

*What is needed from DAR now is to create positive state-society interactions to ensure the meaningful and direct participation of pro-reform forces in the speedy and effective implementation of CARPER.*

What is needed from DAR now is to create positive state-society interactions to ensure the meaningful and direct participation of pro-reform forces in the speedy and effective implementation of CARPER. Furthermore, transparency and accountability are needed so as to build the public's trust in the implementing agency's capacity to make agrarian reform succeed during this extension period.

There is a need for confidence-building measures such as providing people more access to information and allowing effective monitoring of key aspects of implementation—annual list of targets for land distribution per province and the detail of landholdings, budget and expenditures for land acquisition and distribution, support services and credit facilities; identification of target beneficiaries; and the status of land ownership disputes. Transparency is also needed as counterweight to corruption in DAR.

## Stories from the Field

The dismal performance may be disputed by government; they can claim gaps and differentials, but the farmers from Luzon, Visayas and Mindanao who participated in the nationwide consultations the Save Agrarian Reform Alliance conducted from March to May 2012 do not prevaricate about the ordeals they have had endured.

Over 200 cases covering 31 provinces and 11 regions from Luzon, Visayas and Mindanao were presented by 116 participants. On March 27-28, about 80 farmers, farm-workers, rural women, agrarian reform beneficiaries and NGOs participated in the first of the series of consultations, the Luzon-Wide Consultation at Assessment on Agrarian Reform/CARPER. For many of the participants from Luzon, agrarian reform implementation has taken an average of 21 years, and the future still doesn't bode well. They brought forward a total of 56 cases in 13 provinces from Central Luzon (Bataan, Pampanga, Tarlac, Nueva Ecija, Nueva Vizcaya, Aurora, Zambales), Southern Tagalog (Quezon, Laguna, Rizal, Batangas). The cases comprise "multiple cases," which involve various interrelated problems arising from the implementation of agrarian reform.

The 56 cases cover 59,512.91 hectares of land or 40 percent of DAR's land distribution backlog for Luzon (minus Bicol), which is 149,133 hectares. This is a significant figure not only in terms of scope but also in the number of provinces where SARA members are present.

On the other hand, 13,567 agrarian reform beneficiaries/farmers (ARBs) are affected; they constitute close to 16 percent of the total ARB targets of DAR in Luzon.

On April 12-13, 24 participants from three major organizations in the Visayas presented 87 agrarian reform cases during the SARA consultations. For a number of those who participated in the Visayan consultation-assessment, agrarian reform implementation had been averaging 16 years before completion or successful implementation. These 87 cases involved 13,350.326 hectares of lands, comprising some of the most contentious landholdings in Negros Occidental, Iloilo and Negros Oriental, three of the top provinces with the highest land redistribution backlog in the country.

In Mindanao, there were 67 cases presented by 22 representatives from 11 non-government organizations, coalitions and peoples' organizations working for agrarian reform cases during the May 21-22, 2012 consultations. It is important to note that in Mindanao the issue of poverty and landlessness in the region is multifaceted and has been further complicated by armed conflicts, competing land claims among three different sets of actors (the indigenous peoples, Moros and Christian settlers) with varying layers of demands for political participation and space to express the cultural and ethnic identities of the various actors.

Mindanao also has the most number of commercial farms, comprising some of the most contentious landholdings. A 10-year deferment period was previously approved in Congress, favoring the powerful lobby of agribusiness and landlords, which consequently delayed redistribution of these landholdings from 1988 to 1998, especially of banana, pineapple and other cash crop plantations. This deferment period was designed to give landowners and/or corporations opportunities to either evade land distribution through the transfer or selling of their shares to other corporations and/or apply for land use conversion and reclassification or devise schemes to recover their investments.

The figures pertaining to actual installations of farmer-beneficiaries, title-in-hand, in the redistributed lands is another concern. How many hectares have been subjected to alternative venture agreements (AVAs) such as leaseback arrangements? Mindanao is well known as the land of AVAs, with farmers owning lands but not having control over production.

Further, land distribution in public lands remains problematic, to say the least. With overlapping tenurial instruments—land reform, ancestral domains, and forest lands, identification and delineation of lands and who they belong to form the bone of contention. The result of these on the ground is a situation where there are competing claims over the same pieces of land.

Table 6. DAR LAD Balance vs. SARA-consulted LAD Areas (in hectares)

Regions	DAR LAD Balance as of Dec. 31, 2011 (in hectares)**	SARA-consulted Areas (in hectares)	SARA-consulted ARB-FBs (number of people)
Luzon (including Bicol)	287,930	59,912.91	13,567
Visayas	274,746	13,350.326	2,817*
Mindanao	399,201	38,943.45	2,058*
<b>TOTAL</b>	<b>961,877</b>	<b>112,206.686</b>	<b>8,105*</b>

\* incomplete number

\*\* Source: DAR Accomplishment Report, 2011

## Standing on Tenuous Grounds

A huge number of landholdings have not been covered, distributed, and are going through the different stages of land acquisition process, owing to stumbling blocks such as non-coverage due to the refusal of Municipal Agrarian Reform Officers (MARO) and other Department of Agrarian Reform officials; retention cases; non-installation of farmers; pending titles at the Registry of Deeds; pending cases at the Department of Agrarian Reform (DAR) Central Office; and problems of exclusion and inclusion in the targeting of beneficiaries and land identification, among others.

In landholdings which have been covered and distributed, farmer-beneficiaries continue to endure “second generation problems” such as cancellation of land titles, namely the Certificate of Land Ownership Award (CLOA) and Emancipation Patent known on the ground as “*bigay bawi ng titulo*”; foreclosures, legal cases filed by former landowners; lack of support service provision, etc. In most cases, the lack of adequate and appropriate support services remains a problem. Access to credit, farm implements, seeds, etc. are too few and far in between. Where support services were given, it was usually provided through support NGOs. Farmers’ inability to pay their amortization and foreclosure leading to the selling of their lands have been attributed to the lack of support services that could have helped them transition from mere dependent farmworkers to new farmer-owners.

Worse, rampant land exemptions and illegal and legal land use conversions are unabated. Landholdings which should have been up for redistribution under the agrarian reform program have been exempted or excluded due to land use conversion orders and applications for real estate development, mining, and other agricultural uses. Irrigated lands have been converted for other uses such as bio-fuel production and non-agricultural use by both foreign and domestic investors and political elites.

Protest actions of farmers and farm-workers who continue to fight for what have been promised by the law are being criminalized. Farmers continue to experience harassment, and in many cases physical harm have been brought upon them. Landowners have filed cases of qualified theft and trespassing, not only to harass farmers but to de-legitimize their stakes and claims to the lands. Strong resistance from landed clans is common in many areas, especially in contentious and large landholdings (more than 100 hectares of land) such as Haciendas Matias, Reyes and Uy owned by the Matias, Reyes and Uy families, in Bondoc Peninsula; the Maranons, Cuencas and Hernandezes in Iloilo and Negros Occidental; and the Alcantaras in Sarangani, Pablo Rabat and the Floreindos in the Davao region, and Ernesto/Marcita Roldan in North Cotabato, just to name a few. Yet, in many of these cases, the DAR have failed to align with pro-reform forces and rural social movements to thwart anti-reform initiatives of landlords and their allies.

Farmers also speak of the lackluster performance of DAR officials on the ground. In a lot of cases, farmers claim, corruption and ineffectiveness have hounded the bureaucracy; they shared many anecdotes about collusion of DAR officials with landowners and real estate developers in order to evade the program. The 'transition or exit plan' of the DAR also has a 'chilling effect' on field officials, with many MARO refusing to move the land cases because of the uncertain future of their jobs. All of these problems with the bureaucracy, according to the farmers, link to the (in)ability of the current secretary to command leadership and inspiration.

These are the stark realities that show in very clear and concrete terms the state of agrarian reform implementation in the Philippines, 24 years after the original Comprehensive Agrarian Reform Program (CARP) was legislated. The numbers, too, speak of dismal performance, especially in the last two to three years. Two

years after the passage of the CARP Extension with Reforms (CARPER) or RA 9700, President Benigno Aquino III has yet to make significant headway towards the completion of land redistribution. Farmers question government's seriousness in its promise to complete CARPER. For the participants of the consultations, they could not feel the Aquino government's sincerity, with DAR treating itself as above all other sectors. This means that the current DAR leadership does not value past experience of positive and successful state-society (farmers, civil society, social movements) interactions, which have contributed to making CARP work.

Worse, farmers share a common sentiment that CARPER will not be effectively implemented under this Aquino government. However, many of them still put forward calls and demands to make CARPER work.

## People's Calls and Demands

### On completion of land redistribution:

- The P-Noy government must ensure the just, effective and substantive completion of CARPER and the effective land transfer to farmer beneficiaries. DAR should account for the more than one million hectares of LAD targets, and show the list of landholdings per area as soon as possible. We cannot overemphasize the importance of publicly disclosing data to speed up the distribution of private agricultural lands, especially in the top 20 provinces with the biggest backlog;
- Repeal/amend conservative AOs such as 7 and 9 that opened up CARPER to anti-agrarian reform tactics by landowners;
- Be more transparent with report that land reform in public land is almost complete, where are these distributed public lands? This is contrary to experience where public land distribution is as difficult if not more difficult to distribute than private agricultural lands;
- Resolve the issuance of double and multiple titling. Have a clear process on resolving competing claims over same lands, especially in Mindanao;
- Promote women's equal rights to land ownership and push for the implementation of AO 1 on Gender Equality;
- Review the current contract growing arrangements in Mindanao; repeal/revoke the SDOs in Visayas; and stop land use conversions in irrigated and irrigable lands in Luzon; and



- Prohibit the entry of mining investments and operations in CARP areas.

**On support services:**

- Fully provide integrated support services to new and existing agrarian reform beneficiaries.

**On agrarian justice:**

- Immediately and decisively act and resolve flash point cases that have been still pending, and are highly irregular and anomalous. Immediately install farmers in lands, which have been awarded to them. And immediate resolve all cases pending in PARAD, RARAD and DARAB, BALA.
- Protect ARBs against harassment and economic sabotage (e/g. destruction of crops) perpetrated by the military, New Peoples' Army and landlords/private goons. Decisively investigate harassment and human rights violation of farmers, rural women and land rights defenders.

**On the budget:**

- Allocate the maximum budget of P 150 B mandated by RA 9700.

**On transparency and good governance:**

- Ensure the ARBs' and agrarian reform advocates' right to information in the implementation of the agrarian reform program. Farmers demand the full disclosure of specific landholdings. DAR and DENR must provide the list of targets and accomplishments by landholdings;
- Full disclosure of DAR's exit program;
- Ensure transparency and genuine participation of farmer beneficiaries, pro-reform forces and CSOs in the implementation of agrarian reform; and
- Reform and re-energize the bureaucracy as part of good governance. Remove all corrupt DAR officials.



*Photo by Daryl Leyesa/crosses bearing names of men and women farmers who died waiting for the promise of agrarian reform*

### Box 1. Farmers' indefinite camp out in front of DAR

Last October 8, 2012, the farmer-members of PARAGOS-PILIPINAS from Bataan and Rizal, started their camp-out in front of the Office of the Department of Agrarian Reform in Quezon City to demand the immediate resolution of their cases. The processes of coverage of the landholdings were put on hold due to the protest filed by the landowners more than a year ago. Even with scant resources for food and other logistical demands, the farmers armed with the belief that blatant injustice had been committed against them, pushed through with the camp-out. One of the cases the group brought before DAR was Sumalo's.

*Sumalo landholding:* The 124-hectare landholding is located in Barangay Sumalo, Hermosa, Bataan. The Comprehensive Agrarian Reform Program covered the land in 1989 through a voluntary-offer-to-sell (VOS). VOS is a scheme under the CARP, in which the landowners voluntarily offer to sell their land to government for land

distribution. Later on, the landowner, James Litton from Forbes Park withdrew the VOS and filed for land use conversion. The Supreme Court decided with finality on December 6, 2006 in favor of the landowner. The farmers lost on technicality: question of their legal personality or as real “parties in interest” and the failure of the DAR to file the Motion for Reconsideration within the allowed response period of 15 days. The farmers accepted their lost and waited for five years, which was the allotted period for the land use conversion/development. However, in August 17, 2011, the controversial landholding was petitioned by the farmers of Sumalo for CARP coverage since the Littons violated all the Rules on Conversion, specifically the non-development of the land or conversion within the five-year period as provided for RA 9700 or the CARP Extension with Reforms Law.

From that time until the writing of this report, nothing has been done by DAR's Secretary Virgilio delos Reyes to decide on the petition. Even the farmers' request for him to issue a *Cease and Desist Order*, which will allow them to till their fields and plant rice and vegetables, has yet to be acted upon.

From 2006-2012, the farmers had suffered harassment from the goons and security guards of the landowners. The police became the protector of the landowners. This was why they were able to put fences on farmers' lands, which prohibited farmers from entering their farms. Farmers also alleged that their crops burned, destroyed and stolen, depriving them of their source of income and livelihood. Their houses were dismantled and children were intimidated by goons who showed high caliber guns in public. Sec. Delos Reyes did nothing to stop harassment and intimidations.

The farmers' struggle is also being criminalized as cases have been filed against women and men when they barricaded themselves to prevent the entry of materials for the landowners' fencing operation. The Sumalo farmers and residents fear that the landowners have bought DAR's decision.

Source: Elvira Baladad, Report on the Camp Out of Farmers Seeking Resolution of their Agrarian Cases, October 2012.

## Box 2: Crisis in Negros: CARPER in *Oras de Peligro*

Also in October 2012, around 2,000 members of KATARUNGAN-Negros Occidental made an urgent call to President Aquino to make good his commitment to distribute lands before the June 2014 deadline under CARPER. Farmers feared that the President's promise would come to a naught due to the slow and ineffective implementation of the agrarian reform program.

As of June 30, 2012, according to DAR, the remaining LAD balance in the province of Negros Occidental was 144,030 hectares. The province is the top 1 province with the highest land distribution backlog. From 2009 to 2012, DAR was only able to distribute 6,627 hectares of land (out of the 150,657 target in July 1, 2009) to 5,481 agrarian reform beneficiaries (ARBs). This means that DAR was only able to distribute a measly 2,209 hectares of land every year and if this were the rate or phase of distribution, it would take 65 years to finish land distribution in the province! Negros Occidental remains the bastion of landlordism in the country.

The slowness and lackluster performance of the agrarian reform department is further exemplified by LAD in the province's second district, where the biggest LAD balance is located. From May 2009 to July 2012, DAR distributed 813,066 hectares in Cadiz City (360,3307 hectares), Sagay City (413,4332 has) and Manapla (39,3027 has). The cities of Cadiz and Sagay are the top 2 areas with highest LAD backlog in the whole of Negros Occidental.

A major problem in the province is the lack of issuance of Notice of Coverage (NOC) for lands which have been included in the target. Equally problematic are those landholdings, which have not been covered or included in the targets. Based on KATARUNGAN-Negros Occidental's estimates, there are 3,000 to 5,000 hectares of agricultural lands in Northern Negros, which have yet to be covered. Majority of these lands are owned by the Lopez family in the cities of Sagay and Cadiz, with 1,600 farmers/farmworkers are claiming land rights. These do not include lands in Escalante, San Carlos City, and Calatrava, where KATARUNGAN's members have yet to get lands covered by CARP.

Farmers from Negros Occidental are resolute in demanding and urging the government to:

1. Fast track the distribution of 144,000 hectares of agricultural lands in the province;
2. Immediately cover the 3,000 to 5,000 hectares of land owned by the Lopez family in Sagay and Cadiz City through the issuance of NOC;
3. Focus on the cities of Sagay and Cadiz, which still have 34,000 hectares LAD balance or 24 percent of the overall LAD balance for Negros Occidental. Additional DAR personnel must also be deployed to these two cities.
4. Revoke/cancel the Stock Distribution Option Agreements in the landholdings of Wutrich (Brgy. Buenavista, Calatrava), Hacienda Elenita (Brgy. Burgos, Cadiz City), Arsenio Al Acuna Agricultural Corp. (Brgy. Burgos, Cadiz, City) and Archie Fishpond (Brgy. Luna, Cadiz City). The experience of farmworkers in Hacienda Luisita, Tarlac shows that SDO undermines agrarian reform, is not beneficial to farmers and farmworkers and is unconstitutional based on the Supreme Court decision.

Source: KATARUNGAN-Negros Occidental, "Krisis sa Negros", October 2012 (internal document of SARA)

### **Box 3: Land Distribution in Public-Government-Owned Lands: The case of Fort Magsaysay Military Reservation**

On October 18, 2012, at around 10:00 A.M., farmers from the four barangays (Matawe, Ibona, Cargsacan and Butas na Bato) of Dingalan, Aurora rallied outside Malacañang, to call for the amendment of Presidential Proclamation 237 (PP 237), which will allow 800 farmer beneficiaries of Dingalan to own land in Fort Magsaysay Military Reservation that covers the provinces of Bulacan, Nueva Ecija, and Aurora. Under CARP, military reservations are exempted from land distribution. However, inside the 4,527 hectare military reservation, there

are farmers who have been tilling lands for more than four decades. Although they were able to gain (usufruct) rights over the farmlands' cultivation in 1984 through a revocable permit given by Brig. Gen. Rodolfo Canieso, they still fear that the Armed Forces of the Philippines can anytime take over these lands. Farmers believe that securing tenure in the military reservation can boost the local economy, improve agricultural efficiency and increase farmers' income.

In 2008, DAR had received a petition from the Dingalan farmers for the distribution of more than 4,000 hectares of lands to 1,934 landless farmers. In May 2012, Former DAR Undersecretary Narciso B. Nieto acted on the issue by requesting the Department of National Defense (DND) Secretary Voltaire Gazmin to carry out a Deed of Transfer, i.e. transferring the landholding from DND to DAR, which would then allow CARP coverage. However, DAR's appeal did not receive any response from DND, which prompted the farmers to seek direct intervention from the President.

During the protest, Dingalan farmers were met by Malacañang representatives who helped arrange a dialogue between the farmers and the President. The representatives from the Malacañang were Atty. Anna dela Vega and Presidential Adviser for Political Affairs Ronald Llamas.

The said case is an example of the complexity of land distribution in public lands, in this case, government-owned lands. Even with official land use classification, there are many lands that are actually crop-cultivated, where unreported and undetected production or tenancy arrangements exist. The positive interactions between pro-reform forces from the state or 'from above' and rural social movements and farmers' organizations from below can be responsible for the poor interpretation and implementation of sometimes conflicting land laws in the country. (Borras, 2005)

Source: Excerpts from "Narrative Report: World Food Day Mobilization, October 17-18, 2012" by Task Force Food Sovereignty(TFFS)/Integrated Rural Development Foundation, October 2012. (internal document of TFFS)

Borras, Saturnino, Jr. "Redistributive land reform in 'public' (forest) lands? Lessons from the Philippines and their implications for land reform theory and practice" in *Progress in Development Studies* 6, 2 (2006) pp. 123-145.

## What the Numbers Signify: Survey and Consultation Results

The survey and consultations with farmers from Luzon, Visayas, and Mindanao reveal that many of their agrarian cases and struggles are long drawn, spanning various administrations. The various land problems presented by farmers are complicated by incoherent policies of government that impinge on their agrarian reform claims such as the Mining Act of 1995, other land policies and official land use categories or classification. What the picture on the ground further shows is that the current administration of Sec. delos Reyes must deal with decade old, sometimes more, problems of land distribution, that the simple legal track of resolving them will not suffice anymore. What the farmers highlight in their demands is that the resolution of many of their land cases require positive state-civil society and movement interactions, especially at this critical stage of CARPER. While they are not blaming Sec. delos Reyes or President Aquino for the incoherent government policies or for past administrations' mistakes and inactions, the farmers are resolute in demanding accountability and responsibility for the five years of CARPER and during the administration of President Aquino. The Aquino government must recognize and take into account the realities on the ground, the experiences and struggles of farmers, and look beyond official data and numbers.

## Profile of Land Cases

### A. Luzon

Nine national federations of farmers, rural women, agrarian reform beneficiaries and farm-workers participated in the consultation-assessment. These include the Aniban ng mga Mangagawa sa Agrikultura, KATARUNGAN, Makabayan-Pilipinas, Nagkakaisang Magbubukid sa Gitnang Luzon, Pambansang Kaisahan ng mga Magbubukid sa Pilipinas (PKMP), Pambansang Katipunan ng Makabayang Magbubukid (PKMM), Pambansang Kilusan ng mga Samahang Magsasaka (PAKISAMA), Pambansang Koalisyon ng mga Kababaihan sa Kanayunan, PARAGOS-Pilipinas.

They presented a total of 56 cases in 13 provinces from Central Luzon (Bataan, Pampanga, Tarlac, Nueva Ecija, Nueva Vizcaya, Aurora, Zambales), Southern Tagalog (Quezon, Laguna, Rizal, Batangas) and Northern Isabela (Isabela). The cases comprised “multiple cases,” which involve various interrelated problems in the implementation of agrarian reform.

The 56 cases cover 59,512.91 hectares of land or 40 percent of DAR's land distribution backlog for Luzon, totalling 149,133 hectares. This is a significant figure not only in terms of scope but also the number of provinces where SARA members are present.

On the other hand, 13,567 agrarian reform beneficiaries/farmers (ARBs) are affected; they constitute close to 16 percent of the total ARB target of DAR for Luzon.

**Table 7. DAR's Land Distribution Balance and Estimated Beneficiaries vs. SARA-consulted Areas, as of December 2011**

Regions	DAR's Official Land Distribution Backlog (in hectares)*	SARA-consulted Areas - Land Coverage (in hectares)	DAR's Estimated Beneficiaries (number of people)*	SARA-consulted Areas - Affected Agrarian Reform Beneficiaries (number of people)
Central Luzon	22,780	42,555.87	13,400	10,095
Southern Tagalog and Northern Luzon	116,252	15,546.00	68,383	3,230
Other Regions in Luzon	10,101	n/a	5,942	n/a
<b>Total</b>	<b>149,133</b>	<b>58,101.87</b>	<b>87,725</b>	<b>13,567</b>

\*Source: DAR Accomplishment report, Table 1-C, LAD Balance by Province, balance as of December 31, 2011



## *Issues and Problems*

The participants of the consultation shared similar stories of disenchantment, dismay and anger over the slow and ineffective implementation of agrarian reform program of the government from P.D. 27, land reform measure under the Marcos regime of rice and corn lands, to CARP, now CARPER. The following represent the common issues and problems that farmers from Northern, Central Luzon and Southern Tagalog continue to endure:

- **Slow/snail-paced and ineffective land distribution.** While the land distribution backlog in Luzon is small compared to Visayas and Mindanao, there are still a huge number of landholdings which have not been covered, distributed and are in the different stages of land acquisition process. Problems include non-coverage due to the non-refusal of Municipal Agrarian Reform Officer (MARO) and other DAR officials, retention cases, non-installation of farmers, pending titles at the Registry of Deeds, pending cases at the DAR Central Office, problems of exclusion and inclusion and targeting of beneficiaries, conflicting laws, among others. The snail-paced and ineffective land distribution covers 26 land cases with a total of 25,584.31 hectares and 10,167 potential beneficiaries.
- **Agrarian reform reversals:** for landholdings which have been covered and distributed, the participants have had to contend with cancellation of land titles such as the Certificate of Land Ownership Award (CLOA) and Emancipation Patent, “second generation problems” such as foreclosures, legal cases and lack of original titles despite payment of their amortization. Reversals were reported in nine cases which cover 4,922.76 hectares and 396 affected ARBs.
- **Rampant land exemption and conversion.** Many of the landholdings which are up for distribution under the agrarian reform program have been exempted or excluded due to land use conversion orders and applications. According to the participants, these applications have been made possible due to the collusion between DAR officials and landowners and real estate developers to evade agrarian reform. Land use conversion of irrigated lands for other uses such as bio-fuel production and non-agricultural use by both foreign and domestic investors and political elites. While this problem only includes eight cases, about 28,841.84 hectares of land and 2,984 ARBs are affected.

- **Criminalization of peasant struggles.** The participants of the consultation/assessment shared experiences of harassment and violation of their rights. Landowners have filed cases of qualified theft and trespassing, for example, not only to harass farmers in Quezon, Bataan and Nueva Vizcaya but to delegitimize their stakes and claims to the lands. There are 10 cases involving 26,717 hectares and 1,710 affected beneficiaries.
- **Lack of support services.** All the farmers-agrarian reform beneficiaries who finally received their lands have yet to receive support services, especially access to credit and finance, from government. This is one of the reasons why there are a number of farmers who failed to pay their amortization and are facing foreclosures by the Land Bank of the Philippines. The lack of support services is a common problem for all the participants.
- **Corrupt and ineffective DAR officials.** Another common problem of the participants is the systemic corruption of DAR officials from the MARO to the officials at the provincial level and even at the Regional Director offices. Farmers shared similar stories of how the implementers of the agrarian reform program are the ones evading it, colluding with landowners, and blatantly committing gross negligence of their duties. It is therefore no surprise why there are numerous cases of conversion, exemption, non-coverage and an overall ineffective implementation of agrarian reform. Examples of such include the case in Sumalo, Bataan, where farmers have filed against their MARO for gross negligence of duties.

### *Agrarian Reform Implementation in Luzon: average of 21 Years for many*

While not all the participants provided information on the year when their lands were covered under an agrarian reform program, there were 24 cases that provided data. As seen on the table below, implementation of agrarian reform for the 24 cases took a total of 502 years, with an average of 20.9 or 21 years, as old as the original CARP.

*All the farmers-agrarian reform beneficiaries who finally received their lands have yet to receive support services, especially access to credit and finance, from government.*

**Table 8. Duration of Implementation under CARP**

Year of Coverage	Number of Cases	Duration of Implementation in Years per Case
1972 (P.D. 27)	5	40
1975 (P.D. 27)	1	37
1989 (CARP)	1	23
1994 (CARP)	2	18
1996 (CARP)	1	16
1997 (CARP)	8	15
1998 (CARP)	4	14
2003 (CARP)	1	9
2007 (CARP)	1	5
<b>Total/Average</b>	<b>24</b>	<b>20.9</b>

### *Reasons Cited for the Non-Implementation and Paralysis of Agrarian Reform*

- Uninspired, unmotivated, corrupt and inefficient bureaucracy
- Insufficient funding
- Stiff landlord resistance, harassment of peasants and violation of peasant rights
- Systemic problem in the legal and judiciary system: lack of access to justice and bias against farmers' land rights
- Land grabbing by foreign and domestic investors for other uses such as biofuel production, and land grabbing by non-legitimate beneficiaries and claimants who are usually loyal to the landowners
- Lack of commitment, political and economic will by the government in seeing the agrarian reform program through
- Lack of adequate and useful information, especially on CARPER, on the ground; lack of participation mechanisms in decision making processes and CARPER monitoring

## B. Visayas

### *Profile ng mga kaso*

- Bilang ng kaso: 87 ng 3 malalaking organisasyon sa Visayas: Negros Farmers' Council, KATARUNGAN at PKKK; may 24 na kalahok, 12 lalaki, 12 babae
- Multiple issue ang mga kaso, ibig sabihin sa isang kaso, 3-4 ang problema o isyu na kinakaharap ng mga magsasaka
- Kabuuan na lawak ng lupa: 13,350.326 ektarya o walong porsiyento ng kabuuang balanse ng DAR at 2,817 na ARBs ang apektado o tatlong porsiyento ng kabuuang ARB target. Kahit maliit na porsiyento ito ng kabuuan, karamihan naman sa mga kaso ay pinakamatitinding laban sa lupa at kung saan malindi ang paglutol ng may-ari ng lupa sa repormang agraryo at pandarahas. Dahilan din ito ng kahirapan sa pag-organisa ng mga magsasaka at manggagawang bukid.

**Table 9. Balanse ng DAR sa Visayas at Bilang ng mga Apektadong Benepisyaryo vs. SARA-consulted Areas, Disyembre 2011**

Mga Probinsiya	Balanse ng DAR (ektarya)	Kabuuang Bilang ng Lupa (ektarya) ng mga Kalahok	Kabuuang Bilang ng mga Apektadong Benepisyaryo batay sa DAR	Kabuuang Bilang ng mga Apektadong Benepisyaryo (kalahok)
Iloilo	19,287	3,489.00	11,345	3,19*
Negros Occidental	131,466	2,978.00	77,332	7,39*
Negros Oriental	16,401	6883.326	9,647	1,813*
<b>Kabuuan/ Total</b>	<b>167,154</b>	<b>13,350.326</b>	<b>98,324</b>	<b>2,817</b>

\* di kumpletong bilang

\*\* Limitasyon: hindi kumpleto ang datos—bilang ng FBs, taon ng pagsaklaw, kulang sa mga kasong isinumite

Source: DAR Accomplishment Report

### *Problema at Isyu sa Lupa*

- Marami pa ring lupain na di pa nagagalaw o naipamahagi, at nasa ibat-bang antas ng proseso ng pamamahagi. Kasama sa mga problemang ito ang *non-installation* ng mga magsasaka, kaso ng *retention, pending* ang titulo sa Registry of Deeds, *valuation* sa Land Bank, hindi pa naibibigay ang CLOA, nakambinbin ang kaso sa DAR Central office, hindi pa nadodokumento, nonhindi pagsaklaw ng mga lupain dahil ayaw ng Municipal Agrarian Reform Officer (MARO) at iba pang opisyaes ng DAR, problema sa pagtarget ng mga benepisyaryo, at iba pa.
- Paggamit ng sistemang legal ng mga panginoong maylupa upang kasuhan ang mga magsasaka, pagharang sa mga magsasaka na maposisyunan ang lupa, at iba't ibang klase ng pananakot sa tatlóng probinsiya, may mga kaso nang ganito.
- Kakaunti ang nakakuha ng suportang serbisyo at ito ay sa pamamagitan ng NGOs. Sa mga nabiyayaan na ng CLOA, walang kahit anong suportang serbisyo ang nakuha nila mula sa gobyerno. Kaya naman may mga hindi nakabayad ng amortisasyon at nanganganib na maliit ang lupa. Lalo na sa mga di pa nabibigyan ng lupa, walang kahit anong suportang serbisyo ang dumating. Problema ito ng lahat ng mga magsasakang dumalo sa konsultasyon at pagtatasa.
- Mula BARC, MARO, PARO, at maging Regional Director ng DAR ay talamak ang korupsiyon at pakikipagsabwatan ng mga ito sa mga panginoong may-lupa at developer kung kaya rin maraming kaso ng di-pagsaklaw, *non-installation*, panlilinlang ng DAR sa mga magsasaka at mabagal na pagpapatupad ng batas o dili kaya ay tahasang pag-iwas na ipatupad ang repormang agraryo; Lahat ng kaso ay may problema sa mga tiwaling kawani ng DAR.
- Mga lupang nasa Stock distribution option pa rin kahit di na ito dapat sa ilalim ng CARPER (wala ng mga bagong kaso ng SDO sa bansa, ang natitira na lamang ay mga dati ng SDO na hindi pa rin narerebyu ng DAR)
- *Reversals at second/third generation problems: "bigay-bawi"* ng CLOA at *amicable settlements, inclusion/exclusion at exemption cases*
- Iba pang issue: mina at paggawa

Bilang ng Taon ng Pagpapatupad: Iloilo at Negros Oriental (11 na kaso, 10 ang may impormasyon sa taon ng pagsaklaw)

16.1 na taon ang inabot sa pagpapatupad ng repormang agraryo! Mabagal ang proseso at dahil dito naglibog/nalilito na ang mga magsasaka.

**Table 10. Tagal ng Pagpapatupad ng CARP sa Iloilo at Negros Oriental**

Taon ng Pagsisimula	Dami ng Kaso	Tagal ng Pagapatupad ng Programa
1992	3	20
1994	2	18
1996	1	16
1997	1	15
2000	2	12
2002	1	10

### *Mga Dahilan*

- Walang komitment ang gobyerno sa pagpapatupad ng repormang agraryo; hindi prayoridad
- Tiwaling opisyaes ng DAR: takot sa landowner, di inspirado, di gumagalaw at ginagampanan ang tungkulin nila. Di na napalitanang mga MARO na nagretiro, mas marami ang saklaw na lugar at mga kaso ng bawat opisyal
- Matinding pagtutol at pandadahas ng mga panginoong maylupa sa magsasaka
- Mga regulasyon na bangga sa pamamahagi ng lupa. Halimbawa nito ay ang Administrative Order No. 7 Series of 2011
- Mga pabagu-bagong polisiya at rekisitos sa pagsaklaw ng lupa (hal. EO 228)
- Kulang sa impormasyon ang mga magsasaka ukol sa batas, lalo na sa CARPER; walang maayos na representasyon sa CARPER *monitoring committees* at *decision making bodies*
- Organisadong pag-iwas sa CARPER sa pagitan ng DAR at nagmamay-ari ng lupa: lalo na sa mga malalaking landholdings

### *Assessment ng CARPER sa ilalim ni P-Noy*

- Walang inabot at walang seryosong hakbang upang maipatupad ito.
- Ang mga opisyal ng DAR ay iniisip na lamang na huwag kumilos ng di maganda upang hindi masampahan ng mga kaso dahil retirable na.
- Hindi kayang ipatupad ng gobyerno ang CARPER.

### **C. Mindanao**

There were 67 cases presented by 22 representatives from 11 organizations of non-government organizations, coalitions and peoples' organizations working on agrarian reform cases in the island. Eleven women and 11 men participants came from the following organizations:

- Alternate Forum for Research in Mindanao (AFRIM)
- Agraryong Reporma Samahang Kababaihan (ARSK)
- Building Alternative Rural Resource Institutions and Organizing Services, Inc. (BARRIOS)
- Builders for Rural Empowerment and Human Rights Advocates Networks (BRETHREN)
- Center for Rural Empowerment Services in Central Mindanao (CRESCENT), Inc.
- Hugpong sa Organisadong Katawhan sa Davao Oriental (Hugpong)
- Integrated Rural Development Foundation (IRDF)
- Makabayan- Pilipinas
- Katipunan ng mga Samahan ng Maralitang Mamamayan sa Kanayunan, Inc (KASAMA-KA)
- Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK)

### *Contesting DAR 'Official' Data*

As of December 2011, the remaining undistributed lands in Mindanao based on DAR data amounted to 399, 201 hectares. The cases presented by the organizations amounted to about 38,943.45 hectares or around 9.76 percent of the total cited above.

**Table 11. DAR's Land Distribution Balance vs. SARA-consulted Areas, as of December 2011**

MIINDANAO	DAR Balance (as of December 2011)	Summary of Landholdings of Participants	DAR Affected Beneficiaries (as of December 2011)*	Summary of FBS of Participants
<b>REGION IX</b>	<b>28,427.83</b>			
Zamboanga Sibugay	11,585.77	747		
Zamboanga Sur	7,700.92	1,046		
Zamboanga Norte	9,141.14	1,046		
<b>REGION X</b>	<b>64,002.09</b>			
Misamis Occidental	9,104.87	1,236		
Bukidnon	27,008.09	2,185		613
<b>REGION XI</b>	<b>30,758.54</b>			
Davao del Norte	6,218.14	1446.252		409
Davao Oriental	5,521.68	3269		548
Compostela Valley	73.24	84		140
<b>REGION XII</b>	<b>130757.79</b>			
North Cotabato	49,993.63	6015.2		298
Sarangani	20,127.60	16550		50
South Cotabato	33,580.49			
<b>CARAGA</b>	<b>42,025.14</b>			
Agusan del Sur	17,761.88	235		
<b>ARMM</b>	<b>103,229.62</b>			
Basilan	11,196.53	911		
Sulu	12,938.00	3,792		
Lanao Sur	26,542.56	381		
<b>TOTAL</b>	<b>399, 201</b>	<b>38, 943.45</b>		<b>2058*</b>

\*No data.

\*\*Not yet compete; other claims still under process for validation of final FBS



### *Major Issues faced in CARPER Implementation*

Mindanao is home to commercial plantations, particularly banana plantations which got a 10-year deferment period (1988-1998). The provision on this had been designed to give landowners and/or corporations opportunities to recover their investments. Instead of helping prepare the farm-workers for the takeover of the plantation, most landowners and corporations tried to evade land distribution by transferring or selling out of shares with other corporations and/or applying for conversion, as evident in the case of Hijo Plantation in Madaum, Tagum City.

Farm-workers were retrenched and/or new farm-workers considered as “dummy beneficiaries” were installed to favor the landowners’ agenda during the 10-year period. This further complicated the distribution of Certificate of Land Ownership Award in cases of exclusion/inclusion of beneficiaries and labor cases, which further prolonged the installation of the real beneficiaries.

But not all landowners have been resistant to the program. For one, private landholdings not engaged in commercial farming adhered to CARPER but non-transfer of titles to current landowners was the stumbling block. Like the case brought by CRESCENT, the Dina Baldonado 47.9-hectare landholding in Brgy. Kibia, Matalam, North Cotabato had 34 potential Farmer Beneficiaries (FBs). Dina Baldonado had offered voluntarily the land for sale to DAR in 1990. The Notice of Coverage (NOC) was issued in 2007 but the land title was not transferred to her name by the former landowner. This became a legal impediment for the Land Bank of the Philippines (LBP) to make a proper valuation. The Administrative Order 07 Series of 2011 issued on September 30, 2011 instead of speeding up the LAD process halted LBP’s valuation process, as the AO prolonged the process for unregistered landholdings under the Voluntary Offer to Sell scheme for CARPER.

Remarks of DAR Secretary Gil de los Santos that lands below 10 hectares (under phase III of CARPER) might not be included in their priorities caused more alarm. As one of the participants said, *“Lisdan na sila muapud-apud sa mga dagkung yuta unya di pa gyud nila maapil kining mga 15 hectares paubos nga kung huna-hunaon kana ang nagpataas sa ilang accomplishment.”* (They even have difficulty distributing large tracts of land and now, they will not include lands below 15 hectares when in fact these increased their accomplishment)

Also, DAR ordered, still via AO 7, that LAD should not be undertaken unless the master list of FBs is put in place. Any land with pending case is not to be touched by local DAR offices because of the streamlining of database for FBs involved per landholding. One example is the case of Sarangani Agrarian Reform Beneficiaries Cooperative (SARBCO) with a pending appeal from the Alcantara. Despite land distribution, FBs still face uncertainty because of the occupation of the land is being questioned by the former landowners who are local legislators. CLOA had been issued yet there was still no actual installation.

The real and actual installation of FBs (meaning those who are original farm-workers of the plantation) vis-à-vis Emancipation Patent (EP)/ CLOA distribution was also questioned by the different groups who participated in the assessment. The length of time involved in the land transfer is one area of the LAD aspect that should be taken into account.

### *Post LAD: second and third generation problems*

One of the greatest challenges in distributing commercial farms especially banana plantations involves management takeover by the farmer beneficiaries. AFRIM's "Validating the Scope and Status of the Philippine CARP" study in 2010 showed



*Photo by KATARUNGAN/Visayas consultation*

that only few agribusiness companies opted for the 10-year deferment period. Most companies like the palm oil industry chose leaseback arrangements while the rubber industry opted for the Voluntary Offer to Sell scheme.

Before the deferment period ended in 1998, the workers' trade unions with the help of NGOs had started the social preparation for the take-over in the banana plantations in the Davao region. The workers had organized themselves into associations and cooperatives. Cases involving retrenchment of union leaders and vocal employees however remain unsolved until the present. When the lands were awarded, it was in a collective CLOA and the current FBs still facing the issue of exclusion and inclusion and "dummy beneficiaries" remained at the core of these cases. Limited management skills of FBs resulted in agribusiness venture agreements, an agreement signed with former landowners, but instead of providing economic relief, this scheme caused divisions among the members of the cooperatives.

Second generation problems resulted in the call for subdivision of collective CLOAs so there could be individual titling. DAR with its limited budget did not prioritize surveying and other LAD sub-components. Such cases were shared by farmers in Davao del Norte.

Also, cases of 'lost titles,' deceased former landowners and unsettled landholdings needing extrajudicial settlements and retention for the heirs further contributed to pending cases of landholdings already up for distribution.

### *Lack of support services*

RA 9700 allocated PhP150 billion for a five-year distribution of the remaining 1.1 million hectares. Under Section 13 of CARPER, 40 percent of the budget or around P30 billion annually shall be allocated for delivery of support services. Out of that budget, one-third or roughly PhP9 billion shall be spent as "initial capital or seed money for agricultural production" upon the awarding of the emancipation patent or Certificate of Land Ownership Award to new ARBs.

DAR shall source its budget from the General Appropriations Act, Foreign Assisted Projects and from the newly legislated RA 9700. For 2011, for instance, total DAR budget was only PhP11.7 billion and in 2012, PhP20.94 billion. These

budget allocations were way below the supposed PhP50 billion as stipulated in RA 9700, minus the two other sources. Thus, the expected budget requirement for the completion of LAD and support services delivery like socialized credit, organizational building, and value adding processes, were not delivered.

Foreign assisted projects, meanwhile, were limited and solely concentrated on Agrarian Reform Communities (ARCs) as identified by local DAR. Despite its seeming exclusionary nature, the need to expand these services to further strengthen the remaining and new ARBs has been raised.

***Land reconcentration, Reversals and Conversions due to Investments/ Biofuels expansion: contracts, JVs, leasehold, PPPs.***

The entry of investments in various agreements and contracts like joint ventures, leasehold, public-private partnership (PPP) and the aggressive expansion of crops for agrofuels (biofuels) brought constraints on agrarian reform program. AFRIM mapped out in 2010 the entry of expansions in Mindanao of agrofuel crops such as jathropa, oil palm, napier grass and rubber. As new investments were being promoted in contiguous areas, ARCs were pushed as recipients of these agreements. As Director Felix Aguhob of DAR-RX presented in 2010, ARCs were targets for agribusiness developments in Mindanao.

**Table 12. ARCs for Agribusiness Development in Mindanao**

Region	Number of ARCs	Number of ARBs	Crops	Production Area (hectares)	Potential Area (hectares)
Region IX	3	117,203	Coconut, banana, corn, rubber	21,099	22,242
Region X	2	158,944	Sugarcane, corn, rice	87,314	10,027
Region XI	2	159,927	Coconut, rice, corn, Cavendish banana, cacao	87,541	30,738
Region XII	2	204,202	Corn, coconut, coffee and jathropa	12,418	3,668

Source: Aguhob, power point presentation, 2010.

These investments should have aided the ARBs in their livelihood. The policies of market-led agrarian reform pushed by World Bank in the 1990s promoted grants and loans for investors to engage the land market and also as part of the post-LAD support services delivery. But without transparency and supervision on contracts, these have threatened FBs and cooperatives' security in relation to control and access to the awarded land. Instead of securing land for the FBs, lands were brought back under the management of the former landowners or new investors, through various means of contracts.

### ***LGU non-support for CARPER implementation and bias for landowner; Zoning and reclassification of land vis-à-vis power of LGU under LGC***

Under the Local Government Code (RA 7160), the local government unit can exercise their authority to reclassify lands. Zoning ordinances in municipalities and cities affected the LAD process. More landholdings, particularly commercial farms, applied for exemptions based on new zoning plans generated by local officials. This was evident in Sarmiento Estate in Apokon, Tagum, Davao del Norte where FBs have occupied (self-installed) the area and started planting vegetables. However, the city mayor fenced the place as the land was being negotiated with the SM Group of Companies (KASAMA-KA, 2012).

Similar scenarios happened to FBs in North Cotabato. The processing of the University of Mindanao (USM) Reservation covering 4,091 hectares in boundaries of President Roxas and Arakan was delayed because the provincial LGU was considering the area as part of a soon-to-be-declared new municipality. Aside from the resistance from USM management, LGU intervention made it hard for FBs to pursue their claim.

### ***Bureaucratic inefficiency and corruption***

Bureaucratic processes have been known to prolong or circumvent the implementation of agrarian reform. One documented case of MAKABAYAN Pilipinas was in Don Carlos, Bukidnon. The area of Don Carlos Bukidnon United Farmers Association, Incorporated (DCBUFAI) shared that they were summoned by DAR-X personnel to a meeting to facilitate contract with Southern Fresh Products, Inc (SFPI), a subsidiary of Davao Agricultural Ventures Corporation (DAVCO). The DCBUFAI members claimed that the Municipal Agrarian Reform Office (MARO) personnel

called them for a meeting last February 3, 2011 with SFPI employees. SFPI Manager, a certain Mr. Cayanong reiterated that they will bulldoze the area whether or not they would be allowed by actual tillers (which were DCBUFAL members) since they said they got a lease from CLOA holders (who were not actual occupants of the land).

But closer scrutiny of documents showed that there was no request for review or approval of any joint venture agreement or any contract/agreement involving SFPI, DAVCO particularly in Don Carlos, Bukidnon. The only contract/agreement elevated to the National Agribusiness Venture Agreement Evaluation Committee (NAEC) involving Davao Agricultural Ventures Corporation was a leaseback agreement with the DAVCO Employees Cooperative (DAVECO) in Calinan District, Davao City. The said agreement was deferred by the NAEC due to non-compliance of pertinent requirements under A.O. # no. 9, series of 2006 PARC Executive Committee Policy order no. 1 series of 1997 and R.A. 7905. (TFDP, 2011)

Despite this, MARO personnel did not tell DCBUFAL of the real status of DAVCO application but instead told them to vacate the area or they would be forcibly evicted using legal means to threaten the DCBUFAL leaders and members.

Harassment was also viewed as a scheme used by DAR personnel to deliberately hinder the resolution of cases. In the case of the 280-hectare Hacienda Bitan-agan (owned by Pablo Rabat) covering 280 hectares wherein NOC was issued on January 20, 2007 and list of ARBs (with 101 male and 18 female potential FBs) were already done yet the DAR-RXI Director Yusoph D. Mama approved the landowner's application for exemption on November 15, 2010. Then on May 5, 2011, RD Mama issued an order approving the appeal of Pablo Rabat to exempt the land for coverage.

### ***Competing laws ((DAR- DENR; DAR- NCIP), Policies and Jurisdictions***

There exist conflicting tenurial instruments and jurisdictions over the lands targeted for agrarian reform between different government agencies, namely DAR, DENR and NCIP, which in turn have caused tension in communities in Mindanao. DAR tended to cover easy-to-transfer lands such as timberlands under Department of Environment and Natural Resources (DENR) while it became negligent with the huge private agricultural landholdings (PAL). A 42-hectare timberland in North Cotabato under the process of validation and survey for CARP was not an isolated case. The

72-hectare Sangalang Estate in San Isidro, Davao Oriental was covered and issued collective CLOA on 1994 but the same estate was issued another title by DENR on 1998. Ancestral domains particularly in Cotabato, North Cotabato and Sultan Kudarat with CADT/CALT had been issued with CLOA or patent from DENR classifying it as resettlement area or A&D (under Presidential Decree 410).

Different government agencies giving tenurial instruments to the same landholdings have caused tensions in communities. This prompted the agencies to issue Joint DAR-DENR-LRA-NCIP AO No. 01-12 signed on 25 January 2012 to suspend tilling and registration activities in conflicting areas. Though a welcome convergence effort, the call for DAR to progress on PALs above 24 hectares remained. High accomplishment rate in (re) settlement areas seemingly tried to compensate for slow PAL distribution. Lack of coordination and/or competing targets and accomplishments between agencies further muddled the process.

This is an example of the complexities of distribution in public and forest lands. While Sec. delos Reyes claims that his administration is correcting the process to make sure that they do not commit the same mistakes of the past, the existence of other relevant land policies make it more difficult to distribute public lands, forest lands especially.

### *Other concerns: Entry of Mining*

The strong push for mining investments in Mindanao's upland areas is undermining the gains in downstream agricultural communities that solely depend on farming as means of livelihood. The entry and proliferation of mining concessions in upland areas of Zamboanga Sibugay and Zamboanga del Sur have caused problems in irrigation and in coastal communities downstream, yet LGUs claim lack of direct correlation, even if the cases have been documented.

*The strong push for mining investments in Mindanao's upland areas is undermining the gains in downstream agricultural communities that solely depend on farming as means of livelihood.*





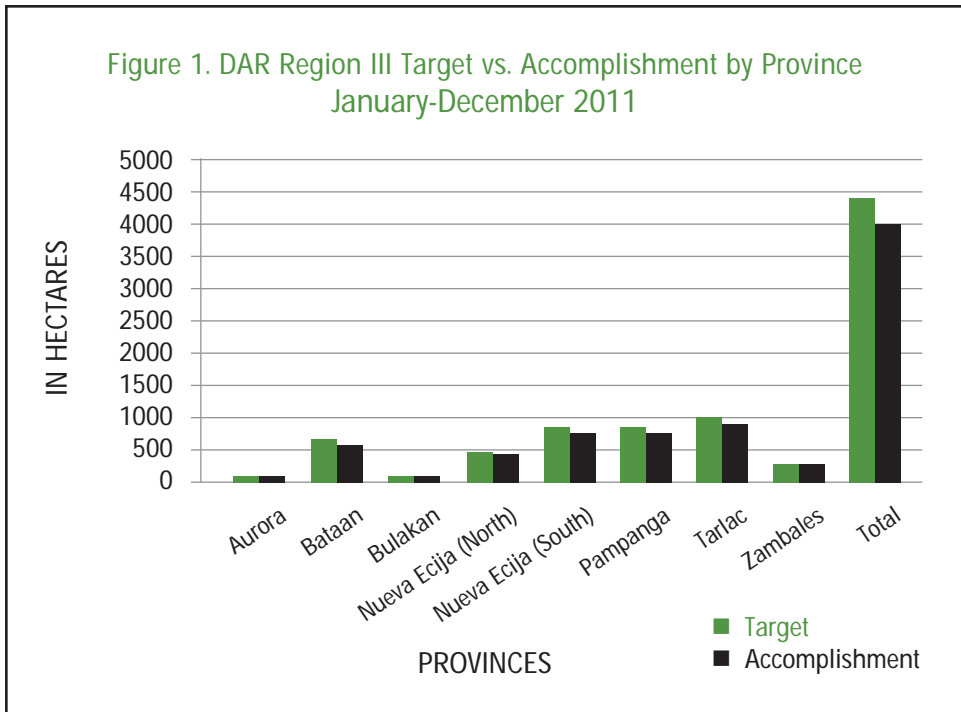
## APPENDICES

*The data below are from KATARUNGAN's (a member of SARA) own research and consultation. They are not Focus' information, but are being included here as source of additional data/insights on CARPER implementation.*

### Kalagayan ng CARPER sa Gitnang Luzon

#### Panimula

Ang survey ay ginawa para makakuha ng kongretong kalagayan ng kung ano ang katangian ng pagpapatupad ng repromang agraryo (CARPER) sa Gitnang Luzon. Ayon sa datos ng DAR-Rehiyon III, mula Enero hanggang Disyembre 2011 may kabuuang saklaw itong 4,439 ektaryang lupain (Table 3a DAR Region III) at ang naipamahagi ay 4,017 ektarya o 90 porsiyento. Ang may tala ng pinakamataas ng naipamahaging lupain ay ang Bulakan 116 ektarya o 100 porsiyento at ang Zambalez na may 271 ektarya o 100 porsiyento, sinundan ito ng Nueva Ecija (South) na may naipamahaging lupain na 819 ektarya o 98 porsiyento.



Source:

Table 3a DAR: Status of Processing of CY 2011 Land Distribution Targets (January-December 2011)

Ang mga lalawigan na mababa o maliit ang lupang naipamahagi ay ang Bataan na may 605 ektarya o 76 porsiyento lamang. Sa datos ng DAR, makikita na mataas ang porsiyento ng naipamahaging lupain, pwedeng isipin na seryoso ang DAR sa pagpapatupad ng programa. Subalit ito ay taliwas sa mga kongkretong kalagayan ng mga magsasaka na karamihan ay walang pang lupa at dekada na ang pabalik-balik sa DAR sa pag-asang mabigyan aksyon ang matagal na nilang kahilingan na mapasakamay na ang lupang matagal ng nilang sinasaka.

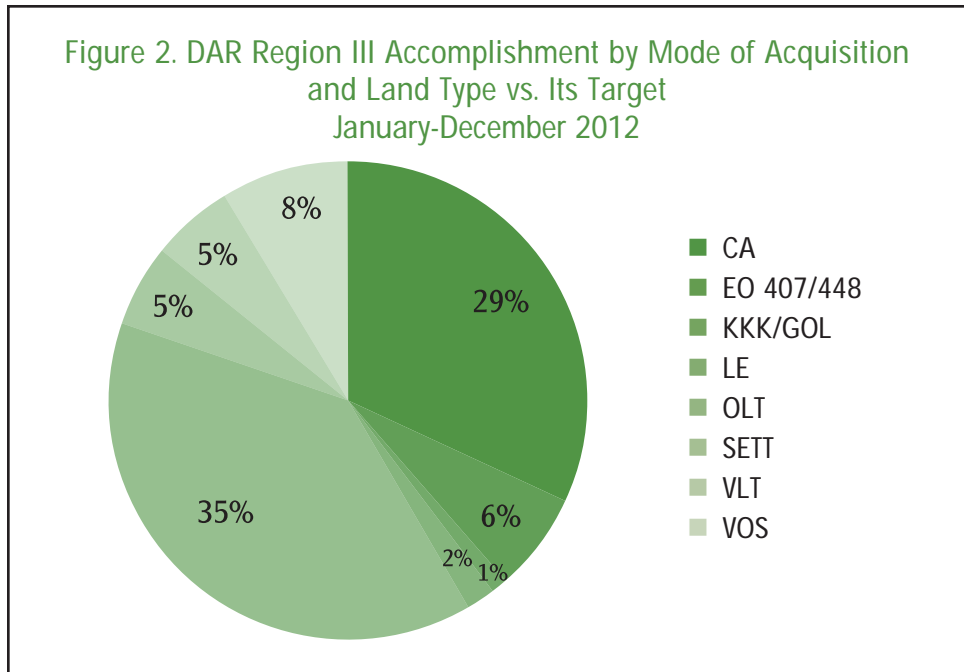
**Table 1. DAR Region III Land Acquisition and Distribution Accomplishment By Province January-December 2011**

Province	Target (in has.)	Accomplishment (in has.)	%
Aurora	81	74	91
Bataan	796	605	76
Bulakan	116	115	100
Nueva Ecija (North)	474	424	90
Nueva Ecija (South)	835	819	98
Pampanga	855	801	94
Tarlac	1,010	904	90
Zambales	271	271	100
<b>Total</b>	<b>4,438</b>	<b>4,017</b>	<b>90</b>

Source:

Table 3a DAR: Status of Processing of CY 2011 Land Distribution Targets (January-December 2011)

Sa iniulat na mga naipamahaging klase ng lupain (Mode of Acquisition by Land Type) ng DAR Region-III mula sa kanilang target, kalakhan sa naimapahagi nito ay sa ilalim ng PD 27 na umaabot sa 1,568.0229 ektarya o 35 porsiyento subalit ito ay matagal na dapat na naipamahagi. Sinundan ito ng mga lupaing nasa ilalim ng Compulsory Acquisition o CA na umaabot sa 1,282. 0530 ektarya o 29 porsiyento at ang lupain sa ilalim ng Voluntary Offer to Sale o VOS na umabot sa 355.3694 ektarya o walong porsiyento. Ang ibang lupain tulad ng EO 407/448 ay may 257.9486 ektarya o anim na porsiyento, Settlements ay may 226.8065 ektarya o limang porsiyento VLT/DPS ay may 211.3845 ektarya o limang porsiyento, Landed Estate ay may 70.3994 ektarya o dalawang porsiyento at ang KKK/GOL ay may 45.8065 ektarya o isang porsiyento.



Source:  
 DAR Region-III Summary of Accomplishment by Land Type As of December 2011

Sa lalawigan ng Tarlac at Pampanga kung saan matatagpuan ang erya ng KATARUNGAN ay nagtala din ng mataas na napipamahaging lupain, subalit dito rin matatagpuan ang malalaking lupaing hanggang sa ngayon ay inilalaban pa ng mga magsasaka para maipamahagi. Ito ay ang mga sumusunod:

Lupain	Lokasyon	Lawak (ektarya)	Kalagayan
Hacienda Luisita	La Paz, Concepcion at Tarlac City, Tarlac	4,335	Pending sa Supreme Court
Lilly Gomez	Tarlac City, Tarlac	50	Pending sa ROD ang registration ng natitirang CLOA
Hacienda Dolores (FLL/LL Corporation)	Porac, Pampanga	754	Pending ang petition sa revocation ng exemption
Santos Ventura (HOCORMA Foundation)	Mabalacat, Pampanga	500	Pending ang petisyon sa Office of the President para sa pagpapawalang bisa ng Conversion

Source: KATARUNGAN List of Landholdings in Central Luzon

Ang KATARUNGAN ay nagtutulak ng pamamahagi ng pinakamalalaking lupain na sa Gitnang Luzon partikular sa mga kinikilosan nito na mga lupain sa lalawigan ng Tarlac at Pampanga. Tulad ng Hacienda Luisita na nuong nakaraang Nobyembre 22, 2011 ay nagdesisyon na balewalain ang SDO dahil sa pagkakait nito ng lupa sa mga manggagawang bukid. Subalit nagsampa naman ang mga Cojuangco ng Motion for Reconsideration para hindi maipatupad ang repormang agraryo. Sa kasalukuyan ay nakabinbin pa sa Korte Suprema ang pinal ng kautusan sa ganap na pamamahagi ng lupa at tila nagbibingibihan ang Pangulong Pinoy sa mga kahilingan ng mga manggagawang bukid na maipamahagi ang lupain ng Hacienda Luisita. Walang palatandaang nais nang isuko ng mga Cojuangco ang lupa bilang pagtalima sa panawagang “tuwid na daan” ni kasaluikyang Pangulo Noynoy Aquino.

Ang mga natilirang mga lupain sa Gitnang Luzon tulad ay pag-aari ng mga makapangyarihan at maimpluwensiyang mga panginoong may-lupa.

## Ang CARPER sa Gitnang Luzon

Sa Gitnang Luzon ayon sa datos ng DAR may balanse pa itong 941 ektarya sa kabuuang saklaw nitong 3,952 ektarya. Napakataas ng naiulat na naipahagi na umaabot sa 3,001 ektarya o 76 porsiyento. Ang datos na ito ay nag-iwan ng malaking katanungan kung ito ba ay kapanipaniwala o hindi. Ito ay taliwas sa kongkretong karanasan ng mga magsasaka sa pagpapatupad ng CARPER sa bawat lupaing hangang sa ngayon ay di pa naipapahagi ang mga matagal ng inilalaban. Ang mga sumusunod na katangian ng CARPER sa Gitnang Luzon:

- **Usad-pagong na pamamahaging lupa.** Bagamat mataas ang poryento na naiulat na naipamahaging lupa sa Gitnang Luzon, may mga malalaking lupain na di pa nagagalaw o naipamahagi sa ilalim ng mga erya na kinikilosan ng KATARUNGAN, tulad ng Hacienda Luisita.
- **Laganap na exemption at conversion.** Marami sa mga dapat saklawin ng mga lupain sa ilalim ng repormang agraryo ay mga may exemption o conversion order o aplikasyon at di na gumalaw ang proseso ng pamamahagi ng lupa, nagagawa ito dahil sa sabwatan ng mga kawani ng DAR at mga may-ari ng lupa para iwasan ang repormang agraryo.

- **Mga regulasyon na bangga sa pamamahagi ng lupa.** Halimbawa nito ay ang Administrative Orders No. 7 Series of 2011 kung saan sinabi ng DAR na sa mga lupaing may pending na mga protesta, at aplikasyon sa exemption o exclusion, hindi mailipat ang titulo sa Republic of the Philippines sa sitwasyong wala pang masterlist ng benepisyaryo at hindi pa napinal noong Hulyo 1, 2009. Agad na naapektuhan nito ang malalaking lupaing dati ay target ng pamamahagi ng DAR kagaya ng mga lupaing saklaw ng KATARUNGAN sa lalawigan ng Pampanga at Tarlac.

Apektado rin ang pamamahagi ng lupain sa Gitnang Luzon dahil mismo ang ating gobyerno ay di seryoso na tapusin ang pamamahagi ang programa sa taong 2014 at dagdag pa rito ang kakulangan sa badyet, maagang pagsasara ng DAR at hindi inspiradong burukrasya.

Ang KATARUNGAN kasama ang SARA ay nagtutulak na tapusin ang pamamahagi ng pinakamalalaking lupain sa ibat-ibang lalawigan sa Gitnang Luzon.

### Buod ng Survey ng Apat na mga Lupain sa Tarlac at Pampanga sa Ilalim ng KATARUNGAN

Mga Tanong	Hacienda Luisita	Hacienda Doña Africa	Hacienda Dolores (FLL/LL Corporation )	Gomez Estate
A.Organisasyon	Farmers for Agrarian Reform Movement (FARM)	Boluntaryo sa gyera laban gutom, kahirapan at kawalang pag-asa (BOLUNTARYO)	Aniban ng Nagkakaisang Magsasaka (ANIBAN)	Samahan ng Magsasaka sa Maliwalo (SAMA-SAMA)
B.Barangay	Pando, Mabilog at Parang (Concepcion), Motrico (La Paz) Tarlac	Brgy. Tabun-Cacutud, Mabalacat, Pampanga	Dolores, Porac, Pampanga	Maliwalo, Tarlac City
C.Land Acquisition and Distribution ng DAR sa Landholding				

1. May-ari ng Lupa	Hacienda Luisita, Inc. (HLI)	Santos Ventura (HOCORMA Foundation)	FLL/LL Corporation	Lilly Gomez
2. Lokasyon	10 Brgys. (La Paz, Concepcion at Tarlac City)	Brgy. Tabun-Cacutud, Mabalacat, Pampanga	Dolores, Porac, Pampanga	Maliwalo, Tarlac City, Tarlac
3. Lawak ng Lupa (ektarya)	6,443 (has)	500 (has)	700 (has)	50 (has)
3.a Ilan ang nasaklaw (ektarya)	4,335 (has)	500 (has)	700 (has)	24 (has)
3.b Ilan ang hindi nasaklaw (ektarya)	2,108 (has)	May application for exemption sa CLUPPI	700 (has)	26 (has)
3.c Dahilan ng hindi pagsaklaw	Naibenta at pinamigay sa manggagawang bukid bilang homelot	May	Exempted sa CARP ayon sa DAR-Region III	Inaprobahan ng DAR Region-III ang Application for Retention ng 34 (has) na isinampa ng 4 na anak
3.d Pangunahing pananim	Tabo	Sari-saring gulay	Mais, Prutas	Palay
4. Bilang ng benepisyaryo o potensyal na benepisyaryo	Lalaki: Babae: Total: 6,296	Lalaki: 207 Babae: 118 Total: 325	Lalaki: 150 Babae: 150 Total: 300	Lalaki:20 Babae: 10 Total: 30
5. Petsa o taon ng pagkaksakop sa ilalim ng repormang agraryo ng gobyerno	1989	2006		1974 sa ilalim ng PD 27 at isinailalim sa CARP
5.a Mode of Acquisition	CA	CA		CA sa ilalim ng CARP
5.b Iba pang paraan				
5.c Tipo ng lupa	Pribado	Pribado	Pribado	Pribado

6. Yugto na ang CARP coverage o pamamahagi ng lupa	Pending sa Supreme Court	Hanggang Notice of Coverage, nahinto dahil sa application for exemption at conversion order	May petition para i-revoke ang exemption order	14 (has) naipamahagi na sa 18 FBs 10 (has) retention
6.a Naipamahagi na ba ang CLOA o hindi pa	Hindi pa	Hindi pa	Hindi pa	14 (has) naipamahagi na sa 18 FBs
6.b Isyung kinakaharap kung di pa naipamahagi	Nakabinbin pa sa Supreme Court and desisyon	Displacement/ ejection	Mapapaalis sa lupa at mawawalan ng kabuhayan ang mga magsasaka	Demolisyon
6.c epekto ng problema o isyu	Kawalan ng lupa at hanapbuhay	Kawalan ng kasiguruhan sa pagsasaka	Harrassment, kawalan ng lupa at hanapbuhay	Harrassment at kawalan ng sasakahin na lupa
D.Iba pang lupain sa inyong lugar (mayron o wala)	Wala	Wala	Mayron	Wala
1. Lawak ng lupa			Humgit kumulang na 1,000 (has)	
2. Lokasyon			Dolores, Porac, Pampanga	
3. May-ari ng lupa			Puyat Estate	
4. Iba pang impormasyon			Natatamnan ng tubuhan at saklaw ng CARP pero dahil sa harrasment natakot ang DAR na ituloy ang proseso	



E. Tungkol sa Agrarian Justice				
1. Kasong isinampa ng may-ari laban sa pamamahagi ng lupa	MR sa Supreme kaugnay sa pagpapataas ng halaga ng lupa	Exemption sa CLUPPI at Conversion Order mula kay Sec. Pangandaman	May exemption order mula sa DAR-Region III at Injunction mula sa DARAB upang pigilan ang mga magsasaka magtanim at mag-ani	Nagsamapa ng kasong Ejectment sa MTC labang sa mga magsasaka
2. Kasong kriminal na kinakaharap ng magsasaka	Wala	Wala	Sinampahan ng kaso ang 3 magsasaka ng ng harrasment at trespassing	Wala
3. Petsa o taon ng simula ng pamamahagi	1989	Wala pa	Wala pa	September 30, 2011
4. Estado ng kaso	Nakabinbin sa Supreme Court	May pending appeal sa OP para pawalang bisa ang conversion order	Pending ang Petition for Revocation of exemption order sa DARAB	Nakakuha ng writ of demolition at na-demolished ang 19 pamilya noong august 2011  Nagsamapa ang mga magsasaka ng MR pero na deny ng MTC
5. Tulong legal mula sa DAR	Wala	Wala	Paggawa ng Position Paper mula sa BALA	Legal Counsel
6. Tulong legal na nakuha	Wala	Wala	Counsel sa kaso ng Petition fpor Revocation of Exemption sa DARA	Counsel mula sa DAR Region-III Legal Division para sa magsasaka
7. Iba pang tulong legal mula sa ibang grupo	Atty. Christian Monsod, C4HL volunteer lawyers at RIGHTS	RIGHTS Volunteer Lawyer	RIGHTS Volunteer Lawyer	RIGHTS Volunteer Lawyer

8. Tulong legal na nakuha	Pagharap sa Supreme Court	Counsel	Pag-aayos ng mga Position Paper bilang tulong sa lawyer ng DAR	Paggawa ng Position paper
9. Libre ba o may bayad ang tulong legal na nakuha	Libre	Libre	Libre	Libre
<b>F. Tulong sa suportang serbisyo</b>		Wala	Wala	Wala
1. Klaseng ng suportang serbisyo	Pamamahagi ng kambing mula sa DA		Wala	Wala
2. Mga nabiyaaan ng suportang serbisyo mula sa DAR	Lalaki: Babae: Total: 100	Lalaki: Babae: Total: 50 families	Lalaki: Babae: Total:	Lalaki: Babae: Total:
3. Mga suportang serbisyo sa ibang grupo	Suporta sa pag-oorganisa mula sa RIGHTS, Pagsasanay mula sa FIAN at iba pa	Mushroom culture at Natural farming mula sa Provincial Capitol ng Tarlac	Tulong sa pag-oorganisa mula sa RIGHTS	Tulong sa pag-oorganisa
4. Nabiyayaan ng suportang serbisyo	Lalaki: Babae: Total: 100	Lalaki: Babae: Total: 50 families	Lalaki: Babae: Total:	Lalaki: Babae: Total: 50
5. Tulong pinansyal o kapital sa mga benepisyaryo ayon sa CARPER	Wala	Wala	Wala	Wala
6. Akses sa socialized credit ayon sa RA 9700	Wala	Wala	Wala	Wala
7. Klase ng suportang serbisyo para mapaunlad ang sakahan	Mga kagamitan sa pagsasaka, angkop na pagsasanay, teknolohiya at prouektong pangkabuhayan	Teknolohiya sa sustainable agriculture, pangkabuhayan at technical na mga training	Wala	Kapital, dagdag na kabuhayan at kagamitan sa pagsasaka

G.Tungkol sa mga Implementors ng CARPER				
1. Mga hakbang na ginawa ng DAR para umusad ang proseso ng pamamahagi	Information drive sa proseso ng pamamahagi pag ng desisyon na ang Supreme Court sa Order of Finality	Dapat di naprobahan ang conversion at itinuloy ang proseso	Ipawalang bisa ang exemption order	Dapat di tinago ang mga EP at ipinarehistro ng PARO-Tarlac para natapos na ang pamamahagi
2. Mga tungkulin na dapat ng opisyal ng DAR para sa pagpapabilis ng pamamahagi ng mga lupain (BARC, MARO PARO at RD)	Simulan ang validation ng listahan ng mga benepisyaryo at pagaaral kung paanu maging economic viable ang lupang maipapahagi habang hinihintay ang order of finality mula sa Supreme Court	Pinawalang bisa ang mga exemptio at conversion	I-review ang exemption order at muling mag-Oci para patunayan na saklaw ang lupain sa CARP at mag-issue ng NOC	Pagpapawalang bisa sa retention at pagpapabilis ng CLOA registration sa natitarang CLOA sa ROD
3. Presensiya ng DAR sa pagpapaliwanag at pagtatapos ng batas nito sa 2014	wala	Wala	Wala	Wala
4. Handa bang sumama para sa pagsampa ng malawakang pagdedemanda o class suit laban sa mga tiwaling kawani o opisyal sa pagpapaya ng kanilang tungkulin	Handang handang makiisa at sumama sa sa pagsampa ng kaso sa mga tiwaling kawani at opisyal ng DAR	Handa makiisa at maging kabahagi ng kaso laban sa mga tiwaling opisyal ng DAR	Handang makiisa sa ibang grupo para sampahan ng kaso ang mga sangkot sa tiwaling gawain ng DAR	Makiisa sa mga magsasaka na may kaparehong problema para makaganti sa mga tiwaling kawani o opisyan ng DAR

H.Pangkalahatang Lagay ng CARPER sa ilalim ni Pinoy	Mabagal at tila hindi seryoso ang gobyerno na tapusin ang pamamahagi ng lupa	Super bagal at punong puno ng katiwalian ang pagproseso ng CARPER	Di seryoso ang gobyerno na tapusin ang pamamahagi ng lupa tulad ng sitwasyon namin	Mabagal at di seryoso ang gobyerno na tapusin ang pamamahagi ng lupa
1. Pakiramdam o tingin sa pagpapatupad ng CARPER	Usad pagong	Mabagal	Mabagal umaksyon ang DAR tulad ng kaso namin, pababalik-balik na kami at iba naming kasama at wala pa ring kongkretong aksyon	Mabagal at may pagkiling sa mga may-ari ng lupa
2. Kaya bang tapusin ang CARPER sa 2014	Palagay namin hindi, partikular sa Hacienda Luisita baka taong 2014 di pa matapos	Malamang sa hindi sa laki pa ng natitirang balanse	Baka hindi matapos ang pamamahagi ng lupa sa 2014 tulad ng kasong inilalaban namin	Palagay namin hindi kasi marami pang kaso ang nakabinbin at wala ng 2 taon 2014 na
3. Hamon at balakid sa pagpapatupad ng CARPER	Mga tiwaling opisyal sa DAR at mga regulasyon na sagka sa pagpapatupad ng CARPER	Hanggat walang malinong opisyal sa DAR ay di magtatagumpay ang repormang agraryo	Mga kawani at opisyal ng DAR na corrupt at nakikipag-sabwatan sa may-ari ng lupa	Ang DAR maraming tiwaling tao
4. Mga dapat gawin para matagumpay na matapos ang pamamahagi ng lupa sa 2014	Sama-samang pagkilos at hilingin sa gobyerno na tapusin ang CARPER sa 2014	Tuloy tuloy na pressure sa DAR	Seryosohin ng gobyerno na tapusin ang pamamahagi ng lupa sa taong 2014	Pagtatangalin ang mga tiwaling tauhan ng DAR
5. Iba pang mungkahi	Patuloy na sama-samang pagkilos i-pressure ang Gobyerno na tapusin ang pamamahagi ng lupa sa 2014	Tuloy-tuloy at malawakang mobilisasyon	Patuloy na mobilisasyon upang hilingin sa gobyerno na ipamahagi ang lupa tulad ng lupa namin at iba pang lupain	Patuloy na pag-follow-up sa DAR at pakkiisa sa iba pang mga magsasaka para mas malakas ang boses

Source: FGD in FARM, ANIBAN, BOLUNTARYO and SAMA-SAMA

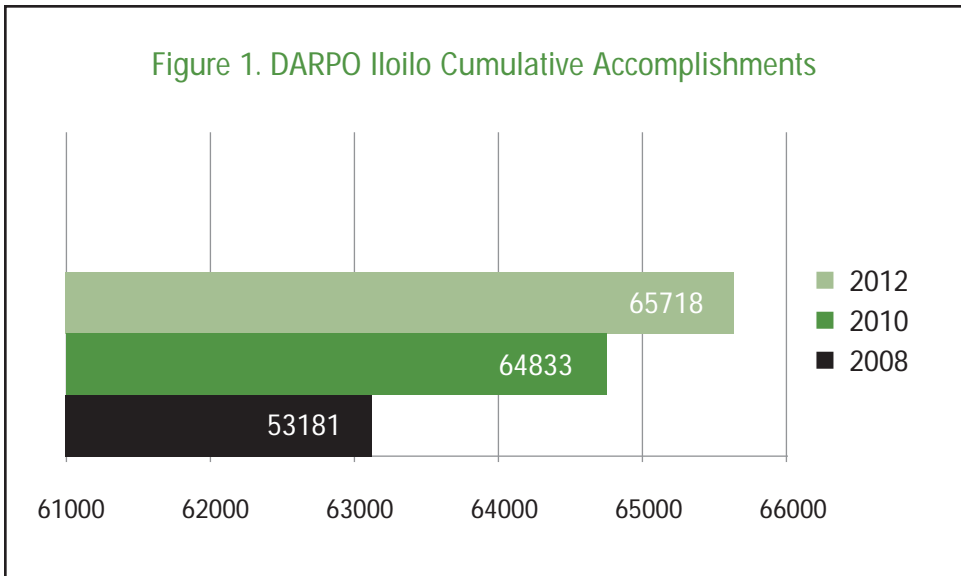
Nihanda ng: Komite Pangrehiyon ng Gitnang Luzon-KATARUNGAN



# Kalagayan ng CARPER sa Probinsya ng Iloilo

## Panimula

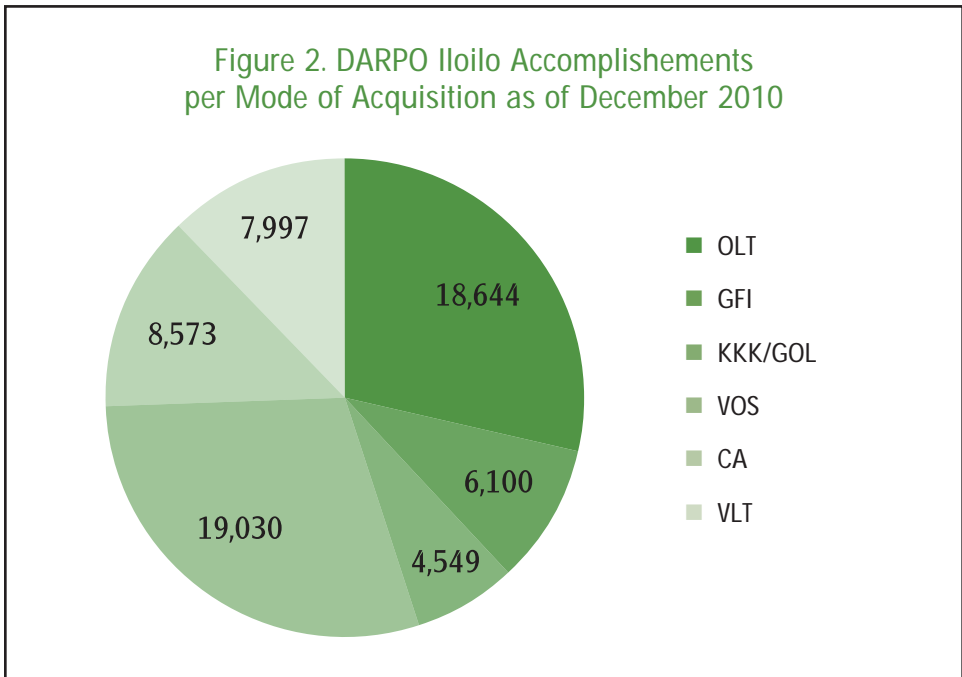
Ang survey ay ginawa para makakuha ng kongretong kalagayan ng kung ano ang katangian ng pagpapatupad ng repromang agraryo (CARPER) sa Iloilo. Ng Iloilo ay binubuo ng 6 na Distrito kasama na dito ang Lone District na Iloilo na kung saan ay may umaabot na 42 munisipyo. Ayon sa datos ang kabuuang lupain na masasaklaw sa ilalim ng programang agraryo sa buong probinsya ay umaabot sa 95,800 ektaryas kung saan ay may deductibles ito na 27,866 ektaryas. Mula dito ay mayroong working scope ang probinsya na 67,934 ektaryas na ayon sa kanila ay ito na ang mga lupang direktang maipamahagi sa mga magsasaka. Batay sa Table 4 ng DARPO Iloilo sa taong 2008, 2010 at 2012 ay may sumusunod na natalang accomplishments:



Source: Table 4 for 2008; Iloilo Provincial Profile for 2010 and Summary of Lad Balance by Phase for 2012

Ipinapakita lamang ng datos na magmula ng taong 2008 hanggang taong 2010 kung saan ay naipasa na ang CARPER ay nakuha nitong magpamahagi ng 1,652 ektaryas sa loob ng dalawang taon. Samantalang ang datos ay nagsabi rin na mula 2010 hanggang 2012 ay nakuha nitong mamahagi ng mas o menos 885 ektaryas sa panahon ng implementasyon ng CARPER.

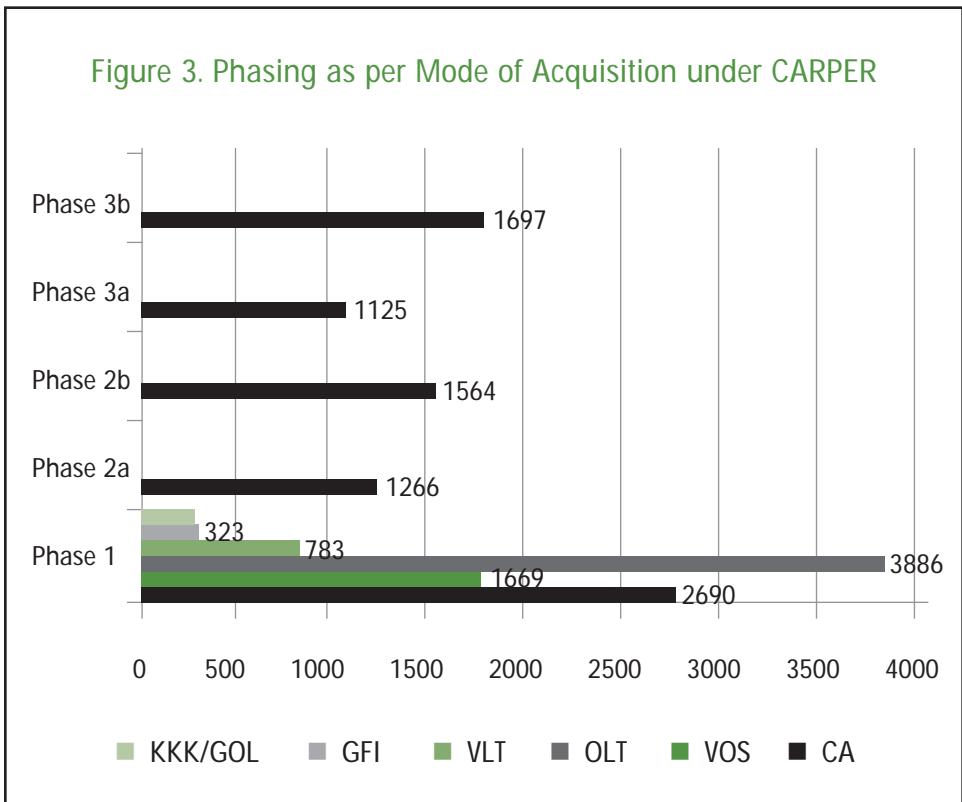
Sa taong 2010 naman ay naririto ang pagkakahati-hati ng mga naitalang distributed ng DAR ayon sa Moda ng Pagsasailalim nito sa programang agraryo:



Sa panahon ng pananaliksik ay minabuti ng KATARUNGAN-Iloilo na muling humingi ng karagdagang at bagong datos para sa pagtatasa ng CARPER sa pamamagitan ng kanilang regular na paraan ng pagmomonitor, gamit ang kanilang Table 3 at 4. Subalit ang DARPO Iloilo sa kasalukuyan ay hindi na gumagamit nito at sa halip sa ang Matrix na for Summary of LAD Balance by Phase ang kanilang ginagamit.

Ayon naman sa datos ng DARPO Iloilo hanggang sa buwan ng Abril 12, 2012, ang kabuuang ektaryang saklaw sa buong probinsya sa ilalim ng CARPER ay umaabot na lamang ng 19,120.4050 ektariya na kung saan ay binubuo ng 2,110 landholdings na nasa kateryorya na rin ng workable at problematic landholding. Ito ay may kabuuang CARPable area na 13,589.49 samantalang ang Non-Carpable area naman ay may kabuuang sukat na 5,530.91 has. Kung susumahin mula sa original na target vs ulat nila na mga lupang naipamahagi na ay may nalitira na lamang iton mas o menos 2216 na ektriyang hindi pa naipapamigay sa mga magsasaka. Sa pagitan ng lumang target at sa kasalukuyang target nila sa ilalim na CARPER ay mapapansing lumaas ang bilang ng ektariyas na CARPable sa probinsya ng Iloilo ng mahigit kumulang 11,373. Mga lupang maaring nahugot nila mula sa mga deductibles nila sa orihinal na targets.

Sa kasalukuyan, ang 13,589.49 na Scope ng DARPO Iloilo sa ilalim ng CARPER ay napapasailalim sa mga sumusunod na Moda:



At ito ay nakalatag sa mga sumusunod na munisipyo:

Municipalities	TARGETS					Total	Accomp. (in has.)
	Phase 1	Phase 2a	Phase 2b	Phase 3a	Phase 3b		
<b>1ST DISTRICT</b>							
Miag-ao	16.35						0.00
Guimbal						3.29	0.00
Oton						53.65	0.00
San Joaguin	11.74						0.00
Igaras						1.13	0.00
Tingbaun	45.10	27.19	193.77	0.00	0.00	266.07	0.00
Tubungan							0.00
<b>Sub-total</b>							<b>0.00</b>
<b>2ND DISTRICT</b>							
Leganes	32.69						0.00
New Lucena						1.93	0.00
San Miguel	24.29						0.00
Zarraga	34.14						0.00
Alimodian	11.60						0.00
Pavia							0.00
Leon	13.91						0.00
Sta. Barbara	9.76						0.00
<b>Sub-total</b>							<b>0.00</b>
<b>3RD DISTRICT</b>							
Maasin	60.41						0.00
Calinog	216.29						0.00
Janiuay	105.94	32.62	174.04	117.50	49.69	479.80	0.00
Bingawan	109.60	15.17	102.20	47.79	37.06	311.84	0.00
Mina	89.18						0.00
Pototan							0.00
Cabatuan							0.00
Badiangan	18.52						0.00
Lambunao	280.16						0.00
<b>Sub-total</b>							<b>0.00</b>



4TH DISTRICT							
Barotac Nuevo							0.00
Banate	96.97						0.00
San Enrique	98.14	81.78	1.19	80.95	14.58	276.66	0.00
Passi City	334.62	45.77	442.33	288.77	38.70	1150.20	0.00
Dumangas	227.01	60.24	34.39	0.00	10.98	332.64	0.00
Dingle	123.68	0.00	31.42	115.23	37.15	550.95	0.00
Duenas	82.16						0.00
Anilao	53.93						0.00
<b>Sub-total</b>							<b>0.00</b>
5TH DISTRICT							
Ajuy	282.93	29.24	105.81	57.08	2.00	477.08	0.00
Balasan	307.99	0.00	84.22	87.55	7.98	487.75	0.00
Barotac Viejo	648.44	25.00	38.49	114.32	67.01	893.38	0.00
Batad	392.09	68.83	174.66	97.15	116.29	849.04	0.00
San Rafael							0.00
Carles	161.64	31.72	531.82	67.52	6.97	759.67	0.00
Conception	123.68	43.61	16.49	221.36	53.39	458.55	0.00
Lemery	410.90	0.00	135.23	86.19	12.55	644.89	0.00
Estancia	99.95	0.00	97.48	84.25	0.00	281.69	0.00
San Dionisio	288.64	12.78	1.00	0.00	26.72	332.15	0.00
Sara	645.57	13.87	107.75	242.41	77.21	1086.72	0.00
<b>Sub-total</b>							<b>0.00</b>
Iloilo City						22.35	0.00
<b>TOTAL</b>	<b>6582.51</b>	<b>553.09</b>	<b>2729.95</b>	<b>2656.95</b>	<b>1066.96</b>	<b>13589.49</b>	<b>0.00</b>

Source:

Table 3a DAR: Status of Processing of CY 2011 Land Distribution Targets (January-December 2011)

Samantalang ang PASAMAKA-Katarungan Iloilo ay may mga sumusunod na lupang matagal ng ipinapanawagan na idokumento na karamihan ay nasa lebel ng MARO at PARO:

MUNICIPALITY	LANDHOLDINGS FOR ACQUISITION
Carles	1409.00
Balasan	1335.00
Estancia	124.00
Batad	178.00
San Dionisio	223.00
Lemery	50.00
San Enrique	170.00
<b>TOTAL</b>	<b>3489.00</b>

Batay sa mga datos:

1. Hindi totoong 2216 na lamang ang balanse nila mula sa original na target sapagkat ang PASAMAKA-Katarungan Iloilo pa lamang mayorya pa ay nasa Quinto Distrito lamang ay mayroon ng mahigit kumulang 3000 lupaing hindi pa rin naipapamahagi. Kung saan ay makikita rin ang pinakamalaking backlogs ng DARPO Iloilo ay nasa Quinto Distrito rin.
2. Ang sinasabing accomplishments nila para sa taong 2009 hanggang 2012 ay mga lupang nakapasok pa sa mga lumang targets for distribution bago pa ipinasa ang CARPER.
3. Kung hindi mo titingnan ang accomplishments vs target sa CARPER ay masasabi mong may naipapamahagi ng rin sa ilalim ng CARPER. Subalit ang katutunahanan ay wala ni isang metro quadradong naipamahagi ang DARPO Iloilo ayon na rin sa datos na nakalap namin. Ito ay nagsasalamin lang ng mga sagot ng magsasaka sa SARA Survey.
4. Ang lahat na nasa Phase 2 at Phase 3 ay nasa ilalim ng CA.

Lupain	Lokasyon	Lawak (ektarya)	Kalagayan
Sicogon Development Corp.	Sicogon Is, Carles	334.7.00	For-redocumentation. With pending case appeal in DARCO for exemption
Carlos Lopes	Brgy. Manduawak, San Dionisio	88.00	For installation. Without any legal issue.
Braulio Patricio	Brgy. Loguingot, Estancia	13.00	For installation. Without any legal issue.
Cuenca Est.	Brgy. Cabo-an, Estancia	68.00	For documentation. Finalization of fbs.
Hernandez Sugar Planters Inc.	Brgy. Paga, Cabugao V, Tambunac, San Enrique	164.00	For re-submission of petition for revocation

Selected landholdings of KATARUNGAN in Iloilo

- **Usad-pagong na pamamahaging lupa.** Bagamat mataas ang poryento na naiulat na naipamahaging lupa sa Gitnang Luzon, may mga malalaking lupain na di pa nagagalaw o naipamahagi sa ilalim ng mga erya na kinikilusan ng KATARUNGAN, tulad ng SIDECO, CAICO at iba pa.
- **Non-issuance of NOC** sa mga lupang isinubi at itinago sa deductibles at problematic na ngayoy inilalabas na bahagi ng new lands.
- **Mga regulasyon na bangga sa pamamahagi ng lupa.** Halimbawa nito ay ang Administrative Orders No. 7 Series of 2011 kung saan sinabi ng DAR na sa mga lupaing may pending na mga protesta, at aplikasyon sa exemption o exclusion, hindi mailipat ang titulo sa Republic of the Philippines sa sitwasyong wala pang masterlist ng benepisyaryo at hindi pa napinal noong Hulyo 1, 2009. Agad na napektuhan nito ang malalaking lupaing dati ay target ng pamamahagi ng DAR kagaya ng mga lupaing saklaw ng KATARUNGAN sa lalawigan ng Pampanga at Tarlac.
- **EO 228** - Pabago-bagong polisiya at rekisitos na nagiging dahilan ng paulit-ulit ring proseso.

Apektado rin ang pamamahagi ng lupain sa Iloilo dahil mismo ang ating gobyerno ay di seryoso na tapusin ang pamamahagi ang programa sa taong 2014 at dagdag pa rito ang kakulangan sa badyet, maagang pagsasara ng DAR at hindi inspiradong burukrasya.

Ang KATARUNGAN kasama ang SARA ay nagtutulak na tapusin ang pamamahagi ng pinakamalalaking lupain sa ibat-ibang lalawigan sa Iloilo.

### Buod ng Survey ng Limang Lupain

Mga Tanong	SIDECO	Cuenca Est.
A. Organisasyon	Assosasyon sang Magagmay nga Mangunguma sang San Fernandoi (AMMASAN) Buaya Farmers and Fisherfolks Inc (BUFFA) Alipata Small Farmers and Fisherfolks Asso. (ALISFFA) Federation of Sicogon Farmers and Fisherfolk Asso. (FESIFFA)	Cano-an Community and Farmer Beneficiaries Asso. (CCFBA)
B. Barangay	Brgy. Buaya; Brgy. San Fernando; Brgy. Alipata, CARLES	Brgy. Cano-an, ESTANCIA
C. Land Acquisition and Distribution ng DAR sa Landholding		
1. May-ari ng Lupa	Maranon; Mapa; Sarroza; Benedicto	Salvacion Militar and Hrs. Of Evaristo Cuenca
2. Lokasyon	Brgy. Buaya; Brgy. San Fernando; Brgy. Alipata, CARLES	Brgy. Cano-an, Estancia, Iloilo
3. Lawak ng Lupa (ektarya)	809.00	89.00
3.a Ilan ang nasaklaw (ektarya)	334.00	CA - 30.00 (68)
3.b Ilan ang hindi nasaklaw (ektarya)	475.00	43.00
3.c Dahilan ng hindi pagsaklaw	Above 18% slope, unproductive. Based from the OF issued by Region.	Hindi pa tapos ang dokumentasyon at kasalukuyang pinagtatalunan pa ang coverage dahil ayon sa kasong nagkaroon na ng order of finality ay walang retention ang landowner dahil hindi nya naprovide ang mga dokumentong kailangang isubmit sa DAR at Korte subalit ayon sa DARPO ay sinasabi na otomatik ang retention na sa kabila ng order ay meron pa rin syang dapat ng retention.

sa Iloilo sa Ilalim ng KATARUNGAN

Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
Pag-isa sa Alyansa sang Gobyernong Lokal sang Agraryong Organisadong Mangunguma (PAGLAOM)	Loguingot Farmers and Fisherfolk Association (LOFFA)	Hernandez Sugar Planter Association (HSPA)
Brgy. Manduawak, SAN DIONISIO	Brgy. Loguingot, ESTANCIA	Brgy. Paga; Brgy. Cabugao Viejo; Brgy. Paga, SAN ENRIQUE
Carlos Lopes	Braulio Patricio	Atty. Eduardo Hernandez
Brgy. Manduawak, SAN DIONISIO	Brgy. Loguingot, ESTANCIA	Brgy. Tambunac; Brgy. Cabugao Viejo; Brgy. Paga, SAN ENRIQUE
100.00	13.00	322.00
VOS - 88	13.00	164.00
00.00	00.00	158.00
N.A.	N.A.	Sinasabing ang buong pag-aari ni Atty. Hernandez sa nasabing lugar ay napasailalim sa SDO.

Mga Tanong	SIDECO	Cuenca Est.
3.d Pangunahing pananim	Mixed Trees, Root Crops, Vegetables	Mixed Trees; Root Crops; Vegetables
4. Bilang ng benepisyaryo o potensyal na benepisyaryo	214	25
5. Petsa o taon ng pagkaksakop sa ilalim ng repormang agraryo ng gobyerno	1992 at 2002 May 4, 2011	1994 at ang huling NOC ay noong 2004
5.a Mode of Acquisition	CA	CA
5.c Iba pang paraan		
5.c Tipo ng lupa	Pribado	Pribado
6. Yugto na ang CARP coverage o pamamahagi ng lupa	Revalidation of FBS	Finalization of FBS. For signature ng BARC
6.a Naipamahagi na ba ang CLOA o hindi pa	Hindi	Hindi
6.b Isyung kinakaharap kung di pa naipamahagi	Pagkilala ng DAR sa Injunction na inilabas ng RTC	Hindi sinusunod ng DARPO ang order ng Central Office pabor sa mga magsasaka kung saan nirevert ang Order ng Region.

Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
Sugar	Mixed Trees, Vegetables, Root crops	Sugar
71	9	Wala pa
1994	2002	1992
VOS	CA	SDO
Pribado	Pribado	Pribado
CLOA Dist	CLOA Dist	Stock Cert Dist
Uo	Uo	N.A.
Installation	Installation	Maraming violations si Atty. Hernandez sa implementation. Sa MOA palang na napirmahan ay wala ng seguridad sa pagmamay-ari ng stocks ang mga magsasaka dahil sa panahong hindi na nito kayang magtrabaho at magretiro na ay mawawala rin ang lahat nyang benepisyoy bilang benepisyaryo ayon sa nakasaad sa MOA.

Mga Tanong	SIDEKO	Cuenca Est.
6.c epekto ng problema o isyu	Paghinto ng proseso nito sa mula noong 2004 magpahanggang sa ngayon. Sa sobrang higpit sa pagbabawal nilang galawin ang isang mga halaman at pananim ay may isang kasapi na pinatay ang asawa dahil sa patuloy nitong pagngunguha ng kahoy at pananim sa kabila ng pagbabawal sa kanila noong taong 2009.	Lumiit ang cover. Liliit din ang numero ng magsasakang mabibiyayaan nito age;
D. Iba pang lupain sa inyong lugar (mayron o wala)	Wala.	Mayroon.
1. Lawak ng lupa	None	20 has
2. Lokasyon	None	Brgy. Cano-an, Estancia, Iloilo
3. May-ari ng lupa	None	Honorio Samonte (Marilou Ann Samonte-Ang)
4. Iba pang impormasyon	None	May subdivision na intinayo na sobra na ang occupied area at patuloy na nag-eexpand labas na sa 9.99 has na syang may order for exemption.



Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
<p>Hindi matapos-tapos na proseso ng pre-installtion meeting na noong 2006 pa sinimulan. Hindi makaposisyon at pinapakinabangan pa rin ng ariendador                      Namatayan ng isang lider noong taong 2006.</p>	<p>Hindi makaposisyon dahil sa goons ng landowner at yong mga pananim nila ay hinaharvest lang ng tao ng landowner</p>	<p>Mananatiling nasa kamay ni Atty. Hernandez ang malawak na lupaing ito. Hindi marerevoke ang SDO upang tuluyan itong maipamahagi ayon sa programa ng gobyerno.</p> <p>Patuloy na magiging manggagawa sa lupang ito habambuhay, walang serbisyo galing sa pamahalaan, walang benepisyo sa administrasyon</p>
<p>Wala. Lahat ay nasasaklaw subalit hindi pa rin naipapamahagi.</p>	<p>Mayroon</p>	<p>Mayroon</p>
<p>None</p>	<p>12 has</p>	<p>158.00</p>
<p>None</p>	<p>Brgy. Loguingot, Estancia, Iloilo</p>	<p>Brgy. Tambunac, Cabugao Viejo at Paga, San Enrique, Iloilo</p>
<p>None</p>	<p>Melvin Requito Public Land</p>	<p>Atty. Eduardo Hernandez</p>
<p>None</p>	<p>Ang lupang pampubliko ay walang pending na Free Patent Application at inaaplayan ng Homestead / Free Patent ng mga nakaposisyon pero hinihingan pa sila ng certification ng CENRO sa isang absentee landowner</p>	

Mga Tanong	SIDECO	Cuenca Est.
E. Tungkol sa Agrarian Justice		
1. Kasong isinampa ng may-ari laban sa pamamahagi ng lupa	None	Application for exclusion from OLT and/or exemption from RA 6657
2. Kasong kriminal na kinakaharap ng magsasaka	2 Illegal Possession of fire arms; 1 Arson (filed against the farmers) Murder, administratibo at mahigit pang 30 kasong ang naisampa naman ng mga magsasaka laban sa SIDECO	Grave Coercion
3. Petsa o taon ng simula ng pamamahagi	2006 - Recovery of Possession 2008 - Illegal Possession of Firearms 2010 - Arson 2009 - Karamihan ay pending sa piskalya, ang murder ay nasa RTC kasama ng iba pang kasong kriminal. Ang administratibo ay nasa ombudsman. Lahat ng ito ay walang malinaw na development sa ngayon.	2005

Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
Wala	Wala pero nagsampa sya ng kaso laban sa installation ng DAR at exclusion ng mga fbs sa CLOA. Dinismisito ng Region at nagsampa sila ulit ng bago na ngayon ay mismong mga tao na niya. Pagkatapos nilang mainclude ay nagsampa pa rin nga Motion for Reconsideration upang hilinging matanggal talaga ang mga pangalan ng original na benepisyaryo sa CLOA.	None
Arson, Murder and frustrated Murder filed by the farmer	Wala. Inclusion / exclusion case lang	Wala
Murder – 2006 Arson - 2005	2006	1992

Mga Tanong	SIDECO	Cuenca Est.
4. Estado ng kaso	<p>Recovery of Possession - Dismissed. Subalit nakipagsabwatan ang abogadong ibinigay ng LGU sa landowner sa halip na ihayag sa mga tao ang totoong estado ng kaso ay ginamit pa itong panakot upang iwithdraw ng mga tao ang kasong isinampa laban sa mga tao ng SIDECO at ginamit din itong pangbargain ng landowner sa LGU upang maisakatuparan nito ang planong pagbuhay nito bilang isang international beach resort.</p> <p>Illegal possession of Firearms - Dismissed ang isa samantalang kasalukuyang dinidinig pa ang isang kaso ng isa pang lider sa RTC</p> <p>Arson - wala pa ring inilalabas na order ang piskalya subalit may sinasabing inerelease na warrant of arrest para sa dalawang akusado.</p>	Under litigation sa RTC
5. Tulong legal mula sa DAR	Isang taong lawyer para sa aming mga kaso sa pagitan ng taong 2009 at 2010 mula sa DAR	Wala
6. Tulong legal na nakuha	Isang taong pambayad sa lawyer para sa aming mga kaso sa pagitan ng taong 2009 at 2010 mula sa DAR.	Wala
7. Iba pang tulong legal mula sa ibang grupo	Libreng abogado sa NGO at ang CHR ay tumulong sa pagsasampa ng aming mga kaso laban sa mga tao ng SIDECO. Dokumentasyon at monitoring ng aming mga kaso. Isang taong pambayad sa lawyer.	Libreng abogado noong may abogado pang retainer ang NGO pero ngayon pribado na rin. Monitoring ng kaso.

Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
<p>Murder - Dismissed for lack of evidence                      Arson - settled without prejudice na maaring buhayin ang kaso.</p>	<p>Ang unang kasong natapos na ay hindi nilabasan ng order of finality. Kayat nakapagfile ulit ng bago ang tao ng landowner na ngayon ay 3 taon ng nakapending sa region.</p>	<p>N.A.</p>
<p>Isang beses</p>	<p>Wala</p>	<p>Wala</p>
<p>Inayos ng QRT point person ang pagsubmit ng request sa Region upang mailabas ang OF para sa aming inclusion / exclusion case.</p>	<p>Wala</p>	<p>Wala</p>
<p>Sa ibang kaso kagaya ng pagkamatay ng aming lider at pagsampa naming ng kasong criminal sa pagkakasunog ng bahay at pananim ay NGO na ang tumulong. Monitoring at AR-HR Program nila.</p>	<p>Sa mga CO ng PROGRESO</p>	<p>Wala</p>

Mga Tanong	SIDECO	Cuenca Est.
8. Libre ba o may bayad ang tulong legal na nakuha	Libre	Sa NGO libre pero ngayon ay nagbabayad na kami dahil wala ng pambayad sa abogado ang NGO na tumutulong sa amin
<b>F. Tulong sa suportang serbisyo</b>		
1. Klaseng ng suportang serbisyo	Wala / N.A.	Merong pero hindi rin libre at binibili naming ang produktong pataba. Nagkaroon ng vermiculture na proyekto ang NGO at partner ang provincial organization naming. Gumagawa ng organikong pataba na sya naming binibili at ginagamit ngayon sa aming mga palayan. Ilan rin sa amin ay gumagamit na ng organikong pestisidyo.
2. Mga nabiyayaan ng suportang serbisyo mula sa DAR	Wala / N.A.	Wala ang kasalukuyang nagpapractice ng paggamit ng organic fertilizer sa rice production
3. Mga suportang serbisyo sa ibang grupo	Wala / N.A.	DA/PROGRESO
4. Nabiyayaan ng suportang serbisyo	Wala / N.A.	4
5. Tulong pinansyal o kapital sa mga benepisyaryo ayon sa CARPER	Wala / N.A.	Wala
6. Akses sa socialized credit ayon sa RA 9700	Wala / N.A.	Wala
7. Klase ng suportang serbisyo para mapaunlad ang sakahan	Capital	Capital; farm machineries; kalabaw

Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
Libre	Libre	N.A.
Wala pa pero ang PASAMAKA ay meron na rin. Pag-aalaga ng bulate upang makagawa ng organic fertilizer at pagkakaroon ng Household na gulayan.	Wala	Wala
	Wala	Wala
PROGRESO galing DA	Wala	Wala
7	Wala	Wala
Wala	Wala	Wala
Wala	Wala	Wala
Kapital; Farm Machineries; Trucking	Capital, mga binhi at iba pa.	Capital; Farm Machineries; Farm inputs; Technology. Pero bago iyan ay kailangan munang makansela ang SDO at ipamahagi ang lupa.

Mga Tanong	SIDECO	Cuenca Est.
G. Tungkol sa mga Implementors ng CARPER		
1. Mga hakbang na ginawa ng DAR para umusad ang proseso ng pamamahagi	Pagkatapos ng 5 taong pagkabinbin ng kaso sa DARRO ay tuluyan ring inilabas nito ang order noong taong 2009 with finality. Subalit dahil palpak ang naunang pinadala nitong coverage ay muli itong pinadalhan ng bagong NOC noong Mayo 2011. Nagsagawa rin ng re-OCI ang CLUPPI national at Region sa isinampang apela ng SIDECO sa kanilang application for exemption.	Kasalukuyang inaayos ang aming titulo sa OLT at tumatagal na naman ito dahil sa bagong memo galing landbank sa redoc ng DPS papuntang EO 228 guidelines at sa CA ay nagpapagulo pa ang DAR dahil sa ibang interpretasyon nito sa Order.
2. Mga tungkulin na dapat ng opisyal ng DAR para sa pagpapabilis ng pamamahagi ng mga lupain (BARC, MARO PARO at RD)	MARO: Palpak ang dating MARO. Ang kasalukuyang MARO ay ayaw namang kumilos dahil sa inisyong Injunction ng RTC. PARO: Walang sariling desisyon. Sumusunod sa kagustuhan ng Region na patagalin ang kaso. Samantalang ang kasalukuyang PARO naman ay ayaw ring kumilos dahil sa inisyong Injunction. Regional Director: Puno ng kasinungalingan at BARC: Walang saysay ang mga taong gobyerno at BARC sa ground dahil batas ng SIDECO ang sinusunod sa Isla. pakikipagsabwatan.	MARO: Napakakonserbatibo ang interpretasyon ng bagong batas. Kahit may masterlist na ay ibinalik pa rin sa identification of fbs sa kabila na ang usapan ay revalidation na lang. PARO: Pumapabor sa landowner. Regional Director: BARC: Imbalido na at hindi pa rin pinapalitan ng DAR. Nagagamit rin ng ibang tiwaling organisasyon na nagkukunyaring nagsusulong ng programang agraryo.



Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
<p>Hindi seryoso sa gawain. Mahigit na 5 taon naming hinihingi ang installation, maraming ng schedule kung kalian dapat mainstall, nagpapalit-palit ng PARO pero hanggang ngayon ay hindi pa rin naisasagaw. Yong AO 7 S 2011 pa ay hindi nila ginagamit ng maayos. Sinasabi sa ngayon na kailangang sheriff na daw ang mag install sa amin samantalang sabi naman ng region ay hindi daw ito applicable para sa aming matagal ng naipamahagi ang CLOA.</p>	<p>Wala</p>	<p>Ayon sa DARCO ay wala daw problema o ano mang violation ang SDO sa lupa ni Atty. Hernandez</p>
<p>MARO: Walang disposisyon dahil laging itinuturo ang probinsya na magfacilitate ng installation.                  PARO: Hindi tumutupad sa mga commitments.                  Regional Director: Hindi rin makapagbigay ng tamang direksyon at kailangan pa nilang kausapin ang PARO hinggil sa kalituhan sa proseso ng installation dahil sa AO 7.                  BARC: Puro salita, kulang sa gawa.</p>	<p>MARO: Takot barilin ni Patricio.                  PARO: Takot kay Patricio. Hindi nga maipatupad ang Legal Opinyon na inilabas ni Usec ni USec Acosta para talaga sa issue ng installation sa lupa ni Patricio noon pang 2006 samantalang pinakikinabangan na ito ng ibang magsasaka sa lahat ng sulok ng Pilipinas.                  Regional Director: Walang pakialam at nasa level ito ng PARO dahil may naissue na itong Installation Order noon pang 2007.                  BARC: Patay na at hindi napalitan</p>	<p>MARO: Itinuturo sa provincial office ang problema.                  PARO: Walang prioridad upang ireview ang SDO. Sa katunayan ay tinanggal pa nila ang Task Force SDO at hindi pa rin narere-group ito.                  Regional Director: Ayaw humarap sa isyu ng SDO at sinasabing probinsya ang dapat naghahandle pa nito.                  BARC: Hindi makaunawa ng programang SDO.</p>

Mga Tanong	SIDEKO	Cuenca Est.
3. Presensiya ng DAR sa pagpapaliwanag at pagtatapos ng batas nito sa 2014	Nagsagawa ng pagpapaliwanag sa CARP noong bago ito sa panahon ng dayalogo naming with PASAMA pero upang ipaliwanag rin ang napipintong pagtatapos nito ay wala.	Sa pagpaliwanag ay uo subalit patapos na ang CARPER ay nagpapaliwanag pa rin sila ng mga bago na namang probisyon at mga memorandums na nakakalito sa amin dahil sa pabago-bago ng proseso at paulit-ulit na nagigiging sangkalan ng wala ng katapusan problema.
4. Handa bang sumama para sa pagsampa ng malawakang pagdedemanda o class suit laban sa mga tiwaling kawani o opisyal sa pagpabaya ng kanilang tungkulin	Handing-handa. Dapat lang masampahan ng kaso ang mga tiwaling empleyado ng Gobyerno.	Handang-handa. Susuporta ang CCFBA. Sana ay mapasama sa kaso ang mga tiwaling grupo na namemera lang at nagpapatagal pa sa proseso
<b>H. Pangkalahatang Lagay ng CARPER sa ilalim ni Pinoy</b>		
1. Pakiramdam o tingin sa pagpapatupad ng CARPER	Walang seryosong hakbang upang maimplement talaga ito. Ang mga opisyal ng DAR ay iniisip na lamang na huwag kumilos ng di maganda upang hindi masampahan ng mga kaso dahil retireable na.	Walang inaabot. Ang DAR ay ayaw ng magdesisyon ng maayos dahil takot na ring makasuhan at retireable. Natatakot silang masilip ng landowner pero hindi sila nag-aalala sa sinasabi ng mga magsasaka. Kaya lumalabas na ang kiling nila ay nasa landowner.
2. Kaya bang tapusin ang CARPER sa 2014	Hindi. Dahil sila mismo ay nagpapatagal nito.	Kagaya ng lupang pinapaCARP naming sa Samonte. Ayaw nilang galawin at 2013 pa daw samantalang sinasabi naman na maari na itong iproseso at sinasabi ng province na 90% accomplished na. Kaya kami ay seguradong hindi matatapos yan dahil ayaw nilang galawin ang phase III kahit maari na.

Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
<p>Uo isang beses sa panahon ng dayalogo ng PASAMAKA, ang aming probinsyal organization noong 2009 sa Brgy. Paon, Estancia.</p>	<p>Noong bago pa lang ang CARPER, noong nagdayalogo ang PASAMAKA sa Paon. Pero sa napintong pagtatapos ay wala.</p>	<p>Wala. Hindi na pinapakialaman ng DAR ang Hacienda.</p>
<p>Sasama kami basta para sa kawsa ng mga magsasaka.</p>	<p>Uo. Dahil hindi talaga kumikilos, kailangang mabigyan ng disiplina. Lagi na lang itinuturo sa NGO magpatulong at wala ng silang ginawa.</p>	<p>Sa aming mga myembro ng organisasyon ay handa kami. Pero marami pang mga magsasaka ang pumapanig pa rin kay Atty. Hernandez dahil sa takot na mawalan ng trabaho.</p>
<p>Hindi namin makita ang sinasabing tulong sa mahihirap na kagaya namin ang implementasyon ng AR sa ilalim ni PNoy. Natutulog.</p>	<p>Wala kaming nakikitang pagbabago dahil magpahanggang ngayon mula pa sa administrasyong Arroyo ay hindi pa rin kami mainstall ng DAR. Puro na lang pangako at targeting pero hindi ginagawa.</p>	<p>Walang pinagbago sa nagdaang administrasyon.</p>
<p>Hindi</p>	<p>Hindi na naman inaasikaso ng DAR ang problema ng mga magsasaka lalo na sa installation.</p>	<p>Hindi. Malabo kagaya ng aming sitwasyon na si Hernandez ang may ari.</p>

Mga Tanong	SIDEKO	Cuenca Est.
<p>3. Hamon at balakid sa pagpapatupad ng CARPER</p>	<p>Mga DAR officials na takot makasuhan dahil retirable na, ayaw ng kumilos. Mahigpit sa pagpapatupad ng CARPER para sa kanilang proteksyon ng DAR at hindi upang maisulong ang bahagi na sinasabing umunlad sa batas. Ang landowner na sadyang pinapahaba ang proseso at hinihintay na lang ang pagtatapos ng CARP. Patuloy na paggamit ng private goons, pananakot at pananakit nito upang tuluyang umatras ang mga magsasaka sa laban. Panggigipit sa kabuhayan.</p>	<p>Ang mga taga-DAR na nakikipagkutsabahan sa landowner. Ibang grupong nagpapanggap na tumutulong pero naglilihis ng proseso, namemera at nagpapaaway lang sa mga magsasaka.</p>
<p>4. Mga dapat gawin para matagumpay na matapos ang pamamahagi ng lupa sa 2014</p>	<p>Kailgan ng sama-sama at malawakang pagkilos ng walang hinto upang mapilitan ang DAR na resolbahin ang mga kaso.</p>	<p>Umpisahan na ng DAR sa Iloilo ang proseso ng mga lupang nasa Phase 2 at 3 at sabayan ng masigasig na pagkilos sa bahagi ng magsasaka.</p>
<p>5. Iba pang mungkahì</p>	<p>Hindi lang DAR officials ang dapat sampahan ng kaso. Lahat-lahat pati mga personnel. Ilabas ang lahat ng claim folders ng mga lupang ineengage ng KATARUNGAN ganon din ang listahan kung saan yugto ito at kung CARP or CARPER ang gagamitin.</p>	<p>Dagdagan ang personnel ng DAR sa MARO at magtalaga ng mga abogado talaga para lang sa mga munisipyong ito na papasok araw-araw.</p>

Source: FGD in FESIFFA; CCFBA; PAGLAOM; LOFFA and HSPA

Inihanda ng: KATARUNGAN-Iloilo



Carlos Lopes	Braulio Particio	Hernandez Sugar Plantation Inc
<p>Kulang daw ang tao na sa DAR. Laging walang tao ang opisina ng DAR. Madalas ring pagpapalit at laging nag-uumpisa. Ang hamon ay papano gagawin seryoso ang DAR at magkaron ng will upang patuloy na maimplement ang programa.</p> <p>Ang MARO na naassign sa amin ay kung hindi kakampi ng landowner ay parang hindi alam ang ginagawa.</p>	<p>Matatapos na ang CARPER na naman at hindi pa rin kami nainstall samantalang wala na naming problema sa mga kaso. Pag nag-expire na naman ay hindi na naman kikilos ang DAR at tuluyan na kaming hindi ma-iinstall.</p>	<p>Mga DAR officials na nakikipagsabwatan sa landowner. Ang isang pinakamalaking balakid sa pagpapawalang bias ng SDO ay ang landowner mismo na nakaupo bilang representative ng landowner sa PARC.</p>
<p>Buhayin ang task force installation na may representasyon galing Central at Katarungan. . Kailangan ng sama-sama at malawakang pagkilos.</p>	<p>Padamihin ang mga tao sa NGO na tumutulong sa magsasaka dahil cla lang ang totoong tumutulong.</p>	<p>Magkaisa ang lahat na magsasaka at pagtulungan ang DAR.</p>
<p>Linawin ang AO 7. Magsagawa ng mga self-installations sa mga lupang ayaw iinstall ng DAR.</p>	<p>Hingan ng tulong ang mga Mayor ng DAR Central para sa pagpapatupad ng installations.</p>	<p>Ikansela na ng DARCO ang SDO sa mga magsasaka na humihinging ibigay sa kanila ang kanilang lupa. Ang mga gustong mapasailalim pa rin ay iwanan sa kanila.</p>

## ENDNOTES

- 1 Republic of the Philippines, Presidential Agrarian Reform Council, Report on the State of Agrarian Reform, July 2012, p. 2.
- 2 Phase 1: Start on July 1, 2009 and ends on June 30,2012  
All landholdings 50 hectares and above (which have been issued notice of coverage by December 10, 2008) as well as rice and corn lands under P.D. 27; All lands under VLT (voluntary land transfer) and VOS (voluntary offer to sell); All landholdings 50 hectares and above (which have been issued notice of coverage by December 10, 2008); All lands under VLT (voluntary land transfer) and VOS (voluntary offer to sell)  
Start on July 1, 2009 and ends on June 30,2012  
Phase 2 A: Private lands 24 hectares up to 50 hectares which have been issued notice of coverage by December 10, 2008, land of government financial institutions, landed estates, settlements and other government-owned lands.  
(Phase 1 and 2 A lands are currently being acquired and distributed).  
Phase 2B: All remaining private agricultural lands in excess of 24 hectares up to 50 hectares, without notice of coverage.  
Phase 3A: Smaller landholdings above 10 hectares up to 24 hectares. Phase 2B and 3A lands are due for acquisition on July 1, 2012 up to June 30, 2013.  
Phase 3B: Small landholdings that are above 5 hectares up to 10 hectares. Scheduled for distribution on July 2013 to June 2014.
- 3 Report on the State of Agrarian Reform, p. 6.
- 4 See Carranza, Danilo, "Implications of biofuels investments on land rights and livelihoods of the rural poor: Three Cases of Biofuels Investments in Luzon", power point presentation during National Conference on Lands and Agro-investment Deals, April 14, 2011 Davao City sponsored by AFRIM, RIGHTS-Net, Visayas State University, FIAN and Focus on the Global South. Also see the studies of Dargantes, Buenaventura on Negros and AFRIM on Mindanao.

## ACRONYMS used in the report

AO	Administrative Order
AR	Agrarian Reform
ARB	Agrarian Reform Beneficiaries/Farmers
ARC	Agrarian Reform Communities
ARCESS	Agrarian Reform Community Connectivity and Economic Support Services
ARSK	Agraryong Reporma Samahang Kababaihan
A&D	Alienable and Disposable
AFRIM	Alternate Forum for Research in Mindanao
AVA	Alternative Venture Agreements
ALISFFA	Alipata Small Farmers and Fisherfolks Association
ANIBAN	Aniban ng Nagkakaisang Magsasaka
AMMASAN	Assosasyon sang Magagmay nga Mangunguma sang San Fernando
BARC	Barangay Agrarian Reform Committe
BOLUNTARYO	Boluntaryo sa gyera laban gutom, kahirapan at kawalang pag-asa
BUFFA	Buaya Farmers and Fisherfolks Inc
BRETHREN	Builders for Rural Empowerment and Human Rights Advocates Networks
BARRIOS	Building Alternative Rural Resource Institutions and Organizing Services, Inc.
CCFBA	Cano-an Community and Farmer Beneficiaries Association
CRESCENT	Center for Rural Empowerment Services in Central Mindanao, Inc.
CLUPPI	Center for Land Use Policy, Planning, and Implementation
CALT	Certificate of Ancestral Land Title
CADT	Certificate of Ancestral Domain Title
CLOA	Certificate of Land Ownership and Acquisition
CSO	Civil Society Organizations
CA	Compulsory Acquisitation
CARP	Comprehensive Agrarian Reform Program

CARPER	Comprehensive Agrarian Reform Program Extension with Reforms
DAVCO	Davao Agricultural Ventures Corporation
DAVECO	Davao Agricultural Ventures Corporation was a leaseback agreement with the DAVCO Employees Cooperative
DA	Department of Agriculture
DARD	Department of Agriculture and Rural Development
DAR	Department of Agrarian Reform
DARAD	Department of Agrarian Reform Adjudication Board
DARPO	Department of Agrarian Reform Provincial Office
DARRO	Department of Agrarian Reform Regional Office
DOE	Department of Energy
DENR	Department of Environment and Natural Resources
DLRM	Department of Land Reform and Management
DND	Department of National Defense
DYND	Distributed but Not Yet Documented
DYNP	Distributed but Not Yet Paid
DCBUFAI	Don Carlos Bukidnon United Farmers Association, Incorporated
EPs	Emancipation Patent
FARM	Farmers for Agrarian Reform Movement
FB	Farmer Beneficiaries (those who are original farm-workers of the plantation)
FESIFFA	Federation of Sicogon Farmers and Fisherfolk Association
GFI	Government Financing Institutions
GOL/KKK	Government Owned Land / KilusangKabuhayan at Kaunlaran
HLI	Hacienda Luisita, Inc.
HSPA	Hernandez Sugar Planter Association
Hugpong	Hugpong sa Organisadong Katawhan sa Davao Oriental
IRDF	Integrated Rural Development Foundation
KASAMA-KA	Katipunan ng mga Samahan ng Maralitang Mamamayan sa Kanayunan, Inc
KATARUNGAN	Kilusan Para sa Repormang Agraryo at Katarungang Pilipino
LAD	Land Acquisition and Distribution



LBP	Land Bank of the Philippines
LRA	Land Registration Authority
LOFFA	Loguingsot Farmers and Fisherfolk Association
MARO	Municipal Agrarian Reform Officers
NAEC	National Agribusiness Venture Agreement Evaluation Committee
NCIP	National Commission on Indigenous Peoples
NSCB	National Statistics Coordinating Board
NSO	National Statistics Office
NGO	Non-government Organizations
NOC	Notice of Coverage
OLT	Operation Land Transfer
PAGLAOM	Pag-isa sa Alyansa sang Gobyernong Lokal sang Agraryong Organisadong Mangunguma
PKKK	Pambansang Koalisyon ng Kababaihan sa Kanayunan
PKMP	Pambansang Kaisahan ng mga Magbubukid sa Pilipinas
PKMM	Pambansang Katipunan ng Makabayang Magbubukid
PAKISAMA	Pambansang Kilusan ng mga Samahang Magsasaka
PARAGOS-PILIPINAS	Pambansang Koalisyon ng mga Kababaihan sa Kanayunan
PAL	Private Agricultural Lands
PARC-DAR	Presidential Agrarian Reform Council - Department of Agrarian Reform
PARAD	Provincial Agrarian Reform Adjudicators
PARO	Provincial Agrarian Reform Officer
PPPP	Public-Private Partnership
RARAD	Regional Agrarian Reform Adjudicators
SARA	Save Agrarian Reform Alliance
SARBCO	Sarangani Agrarian Reform Beneficiaries Cooperative
SDO	Stock Distribution Option
SFPI	Southern Fresh Products, Inc
SAMA-SAMA	Samahan ng Magsasaka sa Maliwalo
TFM	Task Force Mapalad
USM	University of Mindanao
VLT/DPS	Voluntary Land Transfer/ Direct PaymentScheme
VOS	Voluntary-offer-to-sell

## Co-Organizers and Participants of the Survey/Consultations

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- Builders for Rural Empowerment and Human Rights Advocates Networks (BRETHREN)
- Center for Rural Empowerment Services in Central Mindanao (CRESCENT), Inc.
- Hugpong sa Organisadong Katawhan sa Davao Oriental (Hugpong)
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- Makabayan-Pilipinas
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